

SENATE JOURNAL

EIGHTY-THIRD LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

FIFTY-THIRD DAY

(Monday, May 6, 2013)

The Senate met at 11:14 a.m. pursuant to adjournment and was called to order by Senator Eltife.

The roll was called and the following Senators were present: Birdwell, Campbell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Garcia, Hancock, Hegar, Hinojosa, Huffman, Lucio, Nelson, Nichols, Patrick, Paxton, Rodríguez, Schwertner, Seliger, Taylor, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

The Presiding Officer announced that a quorum of the Senate was present.

Pastor Kevin Lentz, Bethany Lutheran Church, Austin, was introduced by Senator Campbell and offered the invocation as follows:

Lord God, we ask You to watch over all the servants of Texas, our police, firefighters, EMS, the teachers of all our schools. May all who serve be a blessing to all for whom they care. Guide and direct all who govern us: our elected officials on the national level, Senators Cornyn and Cruz and those who represent us in Washington, as well as all who govern our state, Governor Perry, Lieutenant Governor Dewhurst, as well as our state's Senate and House of Representatives. Bless them all in their various capacities with a willingness to serve and be of one heart and mind. Dear Father, watch over the people of Texas that we be concerned not only about ourselves but of our neighbors, all who call Texas home. And we ask You to bless this meeting and all decisions made that You be honored by the wisdom You have given. Acknowledging the variety of ways people here approach or do not approach God, I offer this prayer for all in the name of Jesus Christ. Amen.

Senator Whitmire moved that the reading of the Journal of the proceedings of the previous day be dispensed with and the Journal be approved as printed.

The motion prevailed without objection.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Monday, May 6, 2013 - 1

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

I am directed by the house to inform the senate that the house has taken the following action:

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

HB 6 Otto

Relating to the creation and re-creation of funds and accounts in the state treasury, the dedication and rededication of revenue, and the exemption of unappropriated money from use for general governmental purposes.

HB 7 Darby

Relating to the amounts, availability, and use of certain statutorily dedicated revenue and accounts; reducing or affecting the amounts or rates of certain statutorily dedicated fees and assessments; imposing certain court costs.

HB 31 Branch

Relating to certain requirements applicable to meetings of the governing board of a general academic teaching institution or a state university system.

HB 138 Raymond

Relating to funding for certain commercial service airport projects.

HB 154 Taylor, Van

Relating to the termination of the parent-child relationship and the duty to pay child support in circumstances involving mistaken paternity.

HB 205 McClendon

Relating to the allocation of outpatient mental health services and beds in certain mental health facilities and the commitment of certain persons to receive mental health services.

HB 213 Hilderbran

Relating to the \$1 million total revenue exemption for the franchise tax.

HB 274 Alvarado

Relating to reporting requirements related to school districts that obtain exceptions from class size limits.

HB 316 Otto

Relating to the pilot program authorizing a property owner to appeal to the State Office of Administrative Hearings regarding certain appraisal review board determinations.

HB 318

Giddings

Relating to employer access to the personal accounts of certain employees and job applicants through electronic communication devices; establishing an unlawful employment practice.

HB 339

Laubenberg

Relating to the authority to propose the creation of a fire control, prevention, and emergency medical services district.

HB 340

Rodriguez, Eddie

Relating to the power of the Texas Commission on Environmental Quality to authorize certain injection wells that transect or terminate in the Edwards Aquifer.

HB 343

Márquez

Relating to the filing of financial disclosure statements by trustees of certain independent school districts; providing criminal and civil penalties.

HB 367

Martinez, "Mando"

Relating to the disclosure by a member of the legislature or the lieutenant governor of certain information concerning a resident of this state to a governmental body.

HB 376

Strama

Relating to the regulation of child-care providers by the Texas Workforce Commission and local workforce development boards.

HB 396

Thompson, Senfronia

Relating to providing a federal postcard applicant with a ballot for certain elections in which the applicant is eligible to vote.

HB 438

Dutton

Relating to the courts authorized to issue an occupational driver's license.

HB 439

Dutton

Relating to the restoration of certain rights to a criminal defendant.

HB 585

Villarreal

Relating to ad valorem taxation; creating an offense.

HB 590

Naishtat

Relating to determining a child's eligibility for a school district's special education program on the basis of a visual impairment.

HB 595

Kolkhorst

Relating to certain health programs and councils.

HB 655

Cortez

Relating to exempting defense base development authorities from certain contracting requirements.

HB 658

Sheets

Relating to postjudgment interest on damages subject to Medicare subrogation.

HB 746

Ashby

Relating to the registration of volunteer health practitioners and the services of volunteer health practitioners during disasters.

- HB 772** Howard
Relating to the immunization data included in and excluded from the immunization registry.
- HB 796** Thompson, Senfronia
Relating to the regulation of electrical contracting, including the licensing of a journeyman lineman.
- HB 826** Harless
Relating to the definitions of certain terms for purposes of the ad valorem taxation of certain dealer's heavy equipment inventory.
- HB 842** Bell
Relating to requiring public school districts to provide certain opportunities to career and technical students under the college credit program.
- HB 852** Lucio III
Relating to the sale and purchase of shark fins or products derived from shark fins; creating an offense.
- HB 866** Huberty
Relating to the administration to public school students in certain grades of state-administered assessment instruments.
- HB 894** Kolkhorst
Relating to the use of dealer's license plates on vehicles by independent motor vehicle dealers to transport vehicles to or from a point of sale.
- HB 932** Turner, Sylvester
Relating to the notification of certain legislators of the death of a child in foster care.
- HB 983** Elkins
Relating to the eligibility of temporary election officers for unemployment compensation.
- HB 985** Elkins
Relating to the deadlines by which provisional ballots must be processed and the state canvass must be conducted for certain elections.
- HB 1010** King, Susan
Relating to the penalty for causing certain assaultive physical contact with a child.
- HB 1018** Patrick, Diane
Relating to the establishment of community partnerships and the development of policy recommendations for increasing physical activity and improving fitness among public school students.
- HB 1020** Reynolds
Relating to the certification of alcohol awareness programs required for minors convicted of or receiving deferred disposition for certain alcohol offenses.
- HB 1047** Sheets
Relating to the regulation of certain surety companies.

- HB 1081** González, Mary
Relating to a study regarding the prohibition of dairy farming in certain areas of the state.
- HB 1134** Darby
Relating to performance and payment security for certain comprehensive development agreements.
- HB 1147** Gonzalez, Naomi
Relating to the collection of information regarding trafficking of persons.
- HB 1185** Thompson, Senfronia
Relating to the retention of certain records in a suit affecting the parent-child relationship by a child's attorney ad litem, guardian ad litem, or amicus attorney.
- HB 1198** Raymond
Relating to authorizing an optional county fee for vehicle registration in certain counties.
- HB 1249** Nevárez
Relating to the designation of portions of State Highway 17 and United States Highway 67 as the General Alfred Valenzuela Highway.
- HB 1324** Davis, John
Relating to exclusion of land from certain water districts that fail to provide service to the land; clarifying and limiting the authority of those districts with outstanding bonds payable from ad valorem taxes to impose taxes on excluded land.
- HB 1337** Bonnen, Dennis
Relating to the release of an inmate on parole.
- HB 1354** Farney
Relating to the creation of the Leander Hills Municipal Utility District of Williamson County; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.
- HB 1355** Farney
Relating to the creation of the North San Gabriel Municipal Utility District of Williamson County; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.
- HB 1442** Fletcher
Relating to the authority of a county to deposit fees collected by a county bail bond board in a separate county fund.
- HB 1454** Gonzalez, Naomi
Relating to events to educate students about Type 2 diabetes in certain school districts.
- HB 1458** Gooden
Relating to the designation of U.S. Highway 175 in Kaufman County as the Veterans Memorial Highway.
- HB 1472** Rodriguez, Eddie
Relating to jurisdiction over the removal of remains.

- HB 1501** Raymond
Relating to the commemoration of September 11, 2001, at public schools.
- HB 1544** Allen
Relating to the authority of a county to contract with a private vendor for the operation of a detention facility.
- HB 1562** Harless
Relating to notice provided when a bail bond surety is in default.
- HB 1593** Huberty
Relating to the powers and duties of the Harris County Municipal Utility District No. 505; providing authority to issue bonds; providing authority to impose fees and taxes.
- HB 1594** Huberty
Relating to the powers and duties of the Harris County Municipal Utility District No. 504; providing authority to issue bonds; providing authority to impose fees and taxes.
- HB 1606** Moody
Relating to the prosecution of the offenses of harassment and stalking.
- HB 1632** Fletcher
Relating to the confidentiality of certain identifying information of peace officers, county jailers, security officers, employees of the Texas Department of Criminal Justice or a prosecutor's office, or judges and their spouses.
- HB 1645** Riddle
Relating to the monitoring of the Internet access of certain sex offenders placed on community supervision or released on parole or to mandatory supervision.
- HB 1662** Price
Relating to the use of local hotel occupancy tax revenue to conduct an audit.
- HB 1678** Frullo
Relating to the issuance of specialty license plates for surviving spouses of disabled veterans of the United States armed forces; authorizing a fee.
- HB 1692** Gutierrez
Relating to the regulation of motor vehicle dealers, manufacturers, and distributors.
- HB 1724** Bohac
Relating to the statute of limitations on municipal and county hotel occupancy taxes and interest on delinquent payments of municipal hotel occupancy taxes.
- HB 1751** Patrick, Diane
Relating to the public school educator excellence innovation program.
- HB 1759** Hunter
Relating to a correction, clarification, or retraction of incorrect information published.
- HB 1801** Huberty
Relating to the powers and duties of the Harris County Municipal Utility District No. 423; providing authority to issue bonds; providing authority to impose fees and taxes.
- HB 1824** Harper-Brown
Relating to the operation of master mixed-use property owners' associations.

- HB 1846** Carter
Relating to suspension or denial of issuance or renewal of a license for failure to pay child support.
- HB 1874** Lewis
Relating to an appeal from an interlocutory order of certain courts.
- HB 1875** Lewis
Relating to a case transferred from one district court to another district court.
- HB 1888** Anchia
Relating to low income housing tax credits awarded to at-risk developments.
- HB 1895** King, Phil
Relating to the dissolution of the Parker County Utility District No. 1.
- HB 1903** Eiland
Relating to the allocation of amounts deposited into the oyster sales account and the abolishment of the oyster advisory committee.
- HB 1926** King, Ken
Relating to the operation of the state virtual school network and courses provided through other distance learning arrangements.
- HB 1947** Burkett
Relating to the criteria for commitment of a person with mental illness.
- HB 1967** Deshotel
Relating to use of sales and use tax proceeds by certain economic development corporations for certain job-related skills training.
- HB 1971** Davis, John
Relating to a pilot program conducted by the Department of Aging and Disability Services to authorize certain accreditation surveys of assisted living facilities.
- HB 1982** Murphy
Relating to the enterprise zone program.
- HB 2000** Thompson, Senfronia
Relating to the qualification of certain nonprofit schools and educational institutions for exemption from state laws regulating career schools and colleges and to complaints made against those entities.
- HB 2015** Davis, John
Relating to the proper classification of workers performing services in connection with governmental contracts; providing a penalty.
- HB 2020** Crownover
Relating to the adoption of wellness policies and programs by state agencies.
- HB 2025** Capriglione
Relating to the concurrent jurisdiction of the municipal courts of certain neighboring municipalities to hear criminal cases.
- HB 2028** Turner, Chris
Relating to the eligibility requirements for plumbing licenses issued to applicants with military service.

- HB 2029** Turner, Chris
Relating to the eligibility requirements for electrician licenses issued to applicants with military service.
- HB 2049** Huberty
Relating to a qualifying cogeneration facility's ability to sell electric energy to multiple purchasers.
- HB 2055** Phillips
Relating to the authority to issue bonds of the Marilee Special Utility District.
- HB 2062** Davis, John
Relating to the regulation of plumbing.
- HB 2094** Muñoz, Jr.
Relating to the regulation of roadside vendors and solicitors in certain counties.
- HB 2099** Guillen
Relating to improving access to nursing education programs.
- HB 2111** Strama
Relating to the transitional living services program for certain youth in foster care.
- HB 2127** Howard
Relating to the eligibility of certain employees of public institutions of higher education to participate in a state group benefits program.
- HB 2135** Cortez
Relating to waivers and grants of credit for the requirements to obtain certain private security licenses to individuals who hold security credentials from the United States armed forces.
- HB 2152** Callegari
Relating to fees charged to certain recreational vehicle parks.
- HB 2155** Callegari
Relating to eligibility of certain dependents for coverage under the state employee group benefits program.
- HB 2202** Pickett
Relating to the disposition of fees collected by or on behalf of the Texas Department of Motor Vehicles; authorizing fees.
- HB 2204** Pickett
Relating to the authority of the Texas Transportation Commission to establish variable speed limits.
- HB 2267** Larson
Relating to the confidentiality of certain home address information in ad valorem tax appraisal records.
- HB 2290** Lozano
Relating to the use for administrative costs of a portion of money received by certain entities to implement a supplemental environmental project.

- HB 2294** Kuempel
Relating to an exemption from air conditioning and refrigeration contracting regulation for installation of a thermostat.
- HB 2312** Kacal
Relating to the membership of and the beef marketing, education, research, and promotion programs of the Texas Beef Council.
- HB 2318** Aycock
Relating to public school educator preparation and alternative certification programs.
- HB 2356** White
Relating to the designation of a portion of Recreational Road 255 in Jasper County as Sam Rayburn Parkway.
- HB 2362** Keffer
Relating to the efficiency review of river authorities.
- HB 2380** Davis, Sarah
Relating to a provision in a will or trust that would cause a forfeiture of or void an interest for bringing any court action, including contesting the will or trust.
- HB 2383** Eiland
Relating to life settlement contracts for the payment of long-term care services under the medical assistance program and the consideration of a life insurance policy in determining eligibility for medical assistance.
- HB 2388** Menéndez
Relating to the application of certain contracting laws to a defense base development authority.
- HB 2414** Button
Relating to requirements for open meetings held by videoconference call.
- HB 2448** Turner, Sylvester
Relating to tuition for certain students residing outside of a junior college district.
- HB 2451** King, Tracy O.
Relating to the exclusion by taxable entities engaged in providing services as an agricultural aircraft operation of certain costs in determining total revenue for purposes of the franchise tax.
- HB 2473** Deshotel
Relating to use of sales and use tax proceeds by economic development corporations in connection with housing facilities for certain institutions of higher education.
- HB 2474** King, Phil
Relating to taxes and bonds for a junior college district branch campus.
- HB 2478** Alvarado
Relating to the collection, study, and reporting by the Texas Workforce Commission of certain information regarding shortages in high-wage, high-demand occupations.
- HB 2482** Alvarado
Relating to a study to determine the reasons major manufacturers have chosen to invest in other states after considering development in this state.

- HB 2485** Sheffield, J. D.
Relating to Air Medal and Air Medal with Valor specialty license plates.
- HB 2501** Bohac
Relating to an identifying number assigned to a notary public by the secretary of state.
- HB 2503** Bohac
Relating to the territory that may be included in a single county election precinct.
- HB 2512** Miller, Rick
Relating to the disclosure of certain information to the secretary of state for use in voter registration or the administration of elections.
- HB 2537** Geren
Relating to production requirements for holders of winery permits.
- HB 2562** Farias
Relating to an annual report on the Public Assistance Reporting Information System.
- HB 2580** Harper-Brown
Relating to the authority of municipalities to create freight rail districts that have the powers of rural rail transportation districts; granting the power of eminent domain.
- HB 2607** Huberty
Relating to the representation through a telephone conference call of a school district employee under a district grievance policy.
- HB 2610** Pitts
Relating to the issuance of interest-bearing time warrants and certain notes by school districts.
- HB 2615** Johnson
Relating to reporting and information availability requirements for persons impounding, diverting, or otherwise using state water; providing a penalty.
- HB 2619** Naishtat
Relating to the educational needs of children in the conservatorship of the Department of Family and Protective Services.
- HB 2620** Collier
Relating to the creation of a task force on domestic violence.
- HB 2621** Creighton
Relating to disclaimers of estate property by certain beneficiaries.
- HB 2645** Turner, Chris
Relating to certification and operation of independent review organizations.
- HB 2662** Farney
Relating to a personal financial literacy credit for high school programs.
- HB 2688** Perry
Relating to Seminole Hospital District of Gaines County, Texas.
- HB 2704** Callegari
Relating to bids for construction contracts for certain conservation and reclamation districts.

- HB 2718** Guillen
Relating to the cultural and fine arts district program administered by the Texas Commission on the Arts.
- HB 2732** Workman
Relating to the authorization, regulation, and function of dedicated personal insurers; creating offenses; imposing a fee.
- HB 2741** Phillips
Relating to the regulation of motor vehicles by counties and the Texas Department of Motor Vehicles and to certain vehicles purchased outside this state; authorizing a fee; creating an offense.
- HB 2749** Parker
Relating to promulgation by the supreme court of standard forms for use in certain expedited foreclosure proceedings.
- HB 2757** Bonnen, Dennis
Relating to authorizing a municipality to file a lien on homestead property for the costs incurred by the municipality related to a dangerous structure on the property.
- HB 2766** Hunter
Relating to the exclusion of certain flow-through funds in determining total revenue for purposes of the franchise tax.
- HB 2772** Rodriguez, Justin
Relating to an interim study regarding the method by which district judges and appellate justices and judges are selected.
- HB 2782** Smithee
Relating to the authority of the commissioner of insurance to disapprove rate changes for certain health benefit plans.
- HB 2806** Geren
Relating to delinquent payment of an alcoholic beverage retailer's account for liquor.
- HB 2825** King, Ken
Relating to the authority of a county to establish a centralized sex offender registration authority.
- HB 2840** Giddings
Relating to the urban land bank demonstration program in certain municipalities.
- HB 2873** Harper-Brown
Relating to the development of a model contract management process for use with low-risk state procurements.
- HB 2877** Sheffield, J. D.
Relating to the applicability of the Texas Theft Liability Act to certain claims by inmates for lost, damaged, or confiscated property.
- HB 2883** Muñoz, Jr.
Relating to the establishment of a regional center for public safety excellence in the Rio Grande Valley.

- HB 2912** Thompson, Senfronia
Relating to decedents' estates.
- HB 2913** Thompson, Senfronia
Relating to trusts.
- HB 2935** Hunter
Relating to the interlocutory appeal of a denial of a motion to dismiss in an action involving the exercise of certain constitutional rights.
- HB 2962** Harper-Brown
Relating to the use of a credit or charge card by certain state agencies to make certain purchases.
- HB 2978** Parker
Relating to service of citation in connection with an expedited judicial foreclosure proceeding.
- HB 3028** Davis, John
Relating to the use of the skills development fund and other funds available to the Texas Workforce Commission to support certain joint credit courses offered by school districts under agreements with public junior colleges.
- HB 3063** Menéndez
Relating to the qualification of an area inside a defense base development authority as an enterprise zone.
- HB 3066** Menéndez
Relating to the qualification of an area inside a base defense authority as an enterprise zone.
- HB 3067** Menéndez
Relating to the composition of an administrative authority for a defense economic readjustment zone.
- HB 3085** Walle
Relating to the regulation of automotive wrecking and salvage yards in certain counties; increasing the civil penalty.
- HB 3093** Elkins
Relating to the powers and duties of the Department of Information Resources and the Legislative Budget Board regarding information resources technologies of state agencies.
- HB 3096** Thompson, Senfronia
Relating to an exemption from the use of an emergency notification system by certain public service providers.
- HB 3097** Lewis
Relating to the election of directors of the board of the Ector County Hospital District.
- HB 3105** Morrison
Relating to availability of certain benefits under individual accident and health insurance policies.

- HB 3125** Lucio III
Relating to route designation for the issuance of a permit for the movement of oversize and overweight vehicles in certain counties.
- HB 3137** Lucio III
Relating to limiting the amount of a fee or assessment imposed by the Rio Grande Regional Water Authority.
- HB 3158** Zerwas
Relating to Medicaid managed care pilot programs for contracts with provider-directed managed care organizations, including organizations that delegate to health care collaboratives, and to the establishment of those collaboratives.
- HB 3178** Phillips
Relating to the Texas Statewide Mutual Aid System.
- HB 3201** Kolkhorst
Relating to the practice of dentistry; imposing surcharges and fees.
- HB 3241** Thompson, Senfronia
Relating to the civil prosecution of racketeering related to trafficking of persons; providing penalties.
- HB 3256** Kacal
Relating to the eligibility of certain vehicles to be operated as farm vehicles on a road or highway in this state.
- HB 3296** Raney
Relating to the rates of municipal and county hotel occupancy taxes in certain municipalities and counties and the use of certain revenue from those taxes; changing the rates of taxes.
- HB 3307** Geren
Relating to the manufacture of malt beverages, including under alternating brewery proprietorship and contract brewing arrangements.
- HB 3355** Cook
Relating to cable operators' attachments on distribution poles owned or controlled by electric cooperatives.
- HB 3357** Callegari
Relating to the administration of and benefits payable by the Teacher Retirement System of Texas.
- HB 3390** Hilderbran
Relating to the Texas Economic Development Act and the Tax Increment Financing Act; authorizing a fee.
- HB 3397** Bonnen, Dennis
Relating to comprehensive reviews of certain special districts.
- HB 3412** Flynn
Relating to the qualifications for certain positions with the Department of Public Safety of the State of Texas.

- HB 3422** Lavender
Relating to donations of landscape materials and services to the Texas Department of Transportation.
- HB 3433** Fletcher
Relating to the regulation of certain private security companies and occupations; creating an offense.
- HB 3436** Cook
Relating to formal action of responsible governmental entities on certain proposals or bids for certain projects.
- HB 3447** Gutierrez
Relating to the establishment and functions of certain urban land bank demonstration programs.
- HB 3460** Eiland
Relating to the requirement that certain information be reported to the Texas Department of Insurance and the confidentiality of that information.
- HB 3483** Fletcher
Relating to requirements for a driver education course and the eligibility of persons under 18 years of age to operate a motor vehicle at certain times.
- HB 3511** Ritter
Relating to the adjudication of claims arising under certain written contracts with local governmental entities.
- HB 3523** Lewis
Relating to punishment for the offense of driving a commercial motor vehicle without a commercial driver's license.
- HB 3556** Kolkhorst
Relating to the licensing and regulation of emergency medical services providers and a moratorium on the issuance of emergency medical services provider licenses.
- HB 3572** Hilderbran
Relating to the administration, collection, and enforcement of taxes on mixed beverages; imposing a tax on sales of mixed beverages; decreasing the rate of the current tax on mixed beverages.
- HB 3578** Davis, John
Relating to the allocation of Texas Economic Development Bank resources.
- HB 3589** Gutierrez
Relating to the use of tax increment financing by certain municipalities.
- HB 3604** Burnam
Relating to the implementation of a water conservation plan and drought contingency plan, as applicable, by certain entities.
- HB 3605** Burnam
Relating to the evaluation by the Texas Water Development Board of applications for financial assistance for certain retail public utilities.

- HB 3613** Elkins
Relating to the release of delinquent tax liens on manufactured homes.
- HB 3640** Pitts
Relating to the creation of an extension center of the Texas State Technical College System.
- HB 3662** Clardy
Relating to the Texas Workforce Innovation Needs Program; authorizing a fee.
- HB 3674** Muñoz, Jr.
Relating to eligibility of municipalities to participate in the historic courthouse preservation and maintenance programs administered by the Texas Historical Commission.
- HB 3729** Coleman
Relating to licensing requirements for newly constructed assisted living facilities.
- HB 3739** Burnam
Relating to the continued employment of municipal employees who become candidates for public office.
- HB 3756** Farrar
Relating to the construction of detention ponds by the Texas Department of Transportation.
- HB 3761** Guerra
Relating to a feasibility report on the creation of a border agricultural inspection training program.
- HB 3762** Coleman
Relating to legal services provided by a district or county attorney to county and precinct officials.
- HB 3764** Coleman
Relating to audit requirements of certain emergency services districts.
- HB 3787** Perry
Relating to the determination of an applicant's eligibility for any program administered by the Health and Human Services Commission.
- HB 3798** Coleman
Relating to expenditures made by emergency services districts.
- HB 3800** Coleman
Relating to the recording and indexing of property owners' association management certificates in the county real property records.
- HB 3813** Howard
Relating to municipal fire suppression standards in certain municipalities.
- HB 3874** Raney
Relating to the creation of Rock Prairie Management District No. 2; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.

HB 3875

Raney

Relating to the creation of Rock Prairie Management District No. 1; providing authority to issue bonds; providing authority to impose assessments or fees.

HB 3896

Springer

Relating to the Jack County Hospital District; authorizing the imposition of a tax.

HCR 59

Hunter

Requesting the speaker and lieutenant governor to create a joint interim committee to study seawater desalination on the Texas coast.

SB 60

Nelson

Sponsor: Giddings

Relating to authorizing the placement of a security freeze on the consumer file or other record created or maintained by a consumer reporting agency regarding a person under 16 years of age.

SB 186

Carona

Sponsor: Giddings

Relating to the abatement of mosquitoes in stagnant water located on certain uninhabited residential property.

SB 275

Watson

Sponsor: Fletcher

Relating to the penalty for the offense of leaving the scene of an accident that involves personal injury or death.

SB 567

Watson

Sponsor: Geren

Relating to rates for water service, to the transfer of functions relating to the economic regulation of water and sewer service from the Texas Commission on Environmental Quality to the Public Utility Commission of Texas, and to the duties of the Office of Public Utility Counsel regarding the economic regulation of water and sewer service.
(Amended)

SB 1312

Schwertner

Sponsor: Aycock

Relating to the regulation and practice of veterinary medicine; authorizing a fee.
(Amended)

SB 1546

Eltife

Sponsor: Guillen

Relating to the management and use of the Texas preservation trust fund.
(Amended)

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

SENATE RESOLUTION 780

Senator Rodríguez offered the following resolution:

SR 780, Recognizing May of 2013 as Elder Abuse Prevention Month.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Rodríguez was recognized and introduced to the Senate an Adult Protective Services delegation, accompanied by Michael Melson, Immediate Past President of Texas Partners for Adult Protective Services; Gabriella Reed, President of Adult Protective Services Silver Star Board; and Beth Engelking, Assistant Commissioner for Adult Protective Services.

The Senate welcomed its guests.

PHYSICIAN OF THE DAY

Senator Zaffirini was recognized and presented Dr. Luis Benavides of Laredo as the Physician of the Day.

The Senate welcomed Dr. Benavides and thanked him for his participation in the Physician of the Day program sponsored by the Texas Academy of Family Physicians.

SENATE RESOLUTION 837

Senator Zaffirini offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize Press Women of Texas on the occasion of the organization's 120th anniversary; and

WHEREAS, Press Women of Texas was founded May 10, 1893, in Dallas; originally known as the Texas Women's Press Association, it began with 34 charter members from 18 cities across the state; and

WHEREAS, Through the years, the organization has adhered to its motto of "Lofty Aims and High Ideals"; only two years after its founding, it received the highest honor awarded by the World's Columbian Commission for its exhibit of books and literature by women authors and journalists of Texas, and three of its members have been named to the National Hall of Fame of the National Federation of Press Women; and

WHEREAS, From its 1913 endorsement of women's suffrage to its creation of a scholarship for women communications majors at The University of Texas to its work in promoting a Status of Women Commission, the organization has played a vital role in supporting important women's issues; and

WHEREAS, Today, its members continue to be active at the local, state, and national levels, sponsoring scholarships and participating in competitions; they are truly deserving of recognition for their many contributions in the arena of professional journalism and communications; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 83rd Legislature, hereby commend the members of Press Women of Texas on their exemplary work in promoting and supporting journalism by women and extend best wishes for a memorable celebration of the organization's 120th anniversary; and, be it further

RESOLVED, That a copy of this Resolution be prepared for this exemplary organization as an expression of esteem from the Texas Senate.

SR 837 was read and was adopted without objection.

GUESTS PRESENTED

Senator Zaffirini was recognized and introduced to the Senate a Press Women of Texas delegation, accompanied by Larry Arnold, member; Bonnie Arnold, Past President; Angela Smith, Past President; and Janet McDaniel, Past President.

The Senate welcomed its guests.

Senator Zaffirini was again recognized and introduced to the Senate Nick Papachristou and Enrique Gonzalez.

The Senate welcomed its guests.

SENATE RESOLUTION 836

Senator Deuell offered the following resolution:

SR 836, In memory of Ralph Harris Poteet.

On motion of Senator Deuell, the resolution was read and was adopted by a rising vote of the Senate.

In honor of the memory of Ralph Harris Poteet, the text of the resolution is printed at the end of today's *Senate Journal*.

Senator Deuell was recognized and introduced to the Senate Anne Poteet, Steve Tipton, Carol Tipton, Zach Tipton, Bob Thomas, Margie Thomas, and Linda Henry.

The Senate welcomed its guests and extended its sympathy.

INTRODUCTION OF BILLS AND RESOLUTIONS POSTPONED

The Presiding Officer, Senator Eltife in Chair, announced that the introduction of bills and resolutions on first reading would be postponed until the end of today's session.

There was no objection.

CONCLUSION OF MORNING CALL

The Presiding Officer at 11:36 a.m. announced the conclusion of morning call.

COMMITTEE SUBSTITUTE SENATE BILL 1351 ON SECOND READING

On motion of Senator Carona and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1351** at this time on its second reading:

CSSB 1351, Relating to demand-side electric energy resources in the competitive electric market.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

COMMITTEE SUBSTITUTE
SENATE BILL 1351 ON THIRD READING

Senator Carona moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1351** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 443 ON SECOND READING

On motion of Senator Birdwell and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 443** at this time on its second reading:

SB 443, Relating to leave for reserve law enforcement officers for required training.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

SENATE BILL 443 ON THIRD READING

Senator Birdwell moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 443** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

COMMITTEE SUBSTITUTE
SENATE BILL 1893 ON SECOND READING

On motion of Senator Birdwell and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1893** at this time on its second reading:

CSSB 1893, Relating to the creation of the Chisholm Trails Municipal Utility District No. 1; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 1893 ON THIRD READING**

Senator Birdwell moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1893** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 1542 ON SECOND READING**

On motion of Senator Van de Putte and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1542** at this time on its second reading:

CSSB 1542, Relating to clinical initiatives to improve the quality of care and cost-effectiveness of the Medicaid program.

The bill was read second time.

Senator Van de Putte offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1542** (senate committee report) as follows:

(1) In SECTION 1 of the bill, in added Section 538.002(2), Government Code (page 1, line 41), strike "or".

(2) In SECTION 1 of the bill, in added Section 538.002(3), Government Code (page 1, line 44), strike the underlined period and substitute the following:

; or

(4) implement any initiative that would expand eligibility for benefits under the Medicaid program.

(3) In SECTION 1 of the bill, in added Section 538.052(a)(1), Government Code (page 2, lines 11 and 12), strike "or a holder of an office of state government that is voted on statewide".

(4) In SECTION 1 of the bill, in added Section 538.052(b)(1), Government Code (page 2, line 30), strike "and" and substitute "or".

(5) In SECTION 1 of the bill, strike added Section 538.057(1), Government Code (page 4, lines 11 through 27), and substitute the following:

(1) if the commission has determined that the initiative is cost-effective and will improve the quality of care under the Medicaid program, the commission may:

(A) implement the initiative if implementation of the initiative is not otherwise prohibited by law; or

(B) if implementation requires a change in law, submit a copy of the final report together with recommendations relating to the initiative's implementation to the standing committees of the senate and house of representatives having jurisdiction over the Medicaid program; and

The amendment to **CSSB 1542** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

On motion of Senator Van de Putte and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 1542 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 1542 ON THIRD READING**

Senator Van de Putte moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1542** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 1586 ON SECOND READING**

Senator Rodríguez moved to suspend the regular order of business to take up for consideration **CSSB 1586** at this time on its second reading:

CSSB 1586, Relating to distributed renewable generation of electricity.

The motion prevailed.

Senators Hancock and Patrick asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Nays: Hancock, Patrick.

**COMMITTEE SUBSTITUTE
SENATE BILL 1586 ON THIRD READING**

Senator Rodríguez moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1586** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 2.

Yeas: Birdwell, Campbell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Garcia, Hegar, Hinojosa, Huffman, Lucio, Nelson, Nichols, Paxton, Rodríguez, Schwertner, Seliger, Taylor, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Hancock, Patrick.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 2. (Same as previous roll call)

SENATE BILL 1908 ON SECOND READING

On motion of Senator West and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1908** at this time on its second reading:

SB 1908, Relating to a study conducted by the Office of Court Administration of the Texas Judicial System and the repeal of certain court fees and costs.

The bill was read second time.

Senator West offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 1908** (senate committee printing) as follows:

(1) In SECTION 1 of the bill, in the heading to added Section 72.031, Government Code (line 23), strike "REPEAL OF", and substitute "STUDY TO REPEAL".

(2) In SECTION 1 of the bill, in added Section 72.031(a), Government Code (line 24), strike "December 1, 2015" and substitute "September 1, 2014".

(3) In SECTION 1 of the bill, in added Section 72.031(a)(2), Government Code (line 29), between "necessary" and the semicolon, insert "to accomplish the stated statutory purpose".

(4) In SECTION 1 of the bill, in added Section 72.031(a)(3), Government Code (line 31), following the semicolon, strike "and".

(5) In SECTION 1 of the bill, in added Section 72.031(a)(4), Government Code (line 33), between "Register" and the period, insert the following:
; and

(5) provide a copy of the list and determinations to the governor, lieutenant governor, and speaker of the house of representatives

(6) In SECTION 1 of the bill, strike added Sections 72.031(b) and (c), Government Code (lines 34-42), and substitute the following:

(b) In conducting the study required under Subsection (a), the office shall consult with local government representatives as the office determines appropriate.

(c) The Texas Legislative Council shall prepare for consideration by the 84th Legislature, Regular Session, a revision of the statutes of this state as necessary to reflect the court costs and fees identified by the office as not necessary in the study conducted under Subsection (a).

(d) This section expires January 1, 2016.

The amendment to **SB 1908** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

On motion of Senator West and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

SB 1908 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

SENATE BILL 1908 ON THIRD READING

Senator West moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1908** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

GUESTS PRESENTED

Senator Van de Putte was recognized and introduced to the Senate Jacklyn Lynch and Justice Luz Elena D. Chapa.

The Senate welcomed its guests.

SENATE BILL 1916 ON SECOND READING

Senator West moved to suspend the regular order of business to take up for consideration **SB 1916** at this time on its second reading:

SB 1916, Relating to the authority of the Dallas County Hospital District or a nonprofit corporation formed by the district regarding certain technology or intellectual property developed or in development by or for the district or corporation.

The motion prevailed.

Senator Schwertner asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Nays: Schwertner.

SENATE BILL 1916 ON THIRD READING

Senator West moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1916** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Schwertner.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1. (Same as previous roll call)

SENATE BILL 1416 ON SECOND READING

On motion of Senator Deuell and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1416** at this time on its second reading:

SB 1416, Relating to the determination of whether a use of force against another is justified.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

SENATE BILL 1416 ON THIRD READING

Senator Deuell moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1416** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**MOTION TO PLACE
COMMITTEE SUBSTITUTE
SENATE BILL 783 ON SECOND READING**

Senator Hinojosa moved to suspend the regular order of business to take up for consideration **CSSB 783** at this time on its second reading:

CSSB 783, Relating to inclusion in school district improvement plans of policies to prevent dating violence and bullying.

The motion was lost by the following vote: Yeas 19, Nays 12. (Not receiving two-thirds vote of Members present)

Yeas: Carona, Davis, Duncan, Ellis, Garcia, Hancock, Hegar, Hinojosa, Lucio, Patrick, Rodríguez, Seliger, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Birdwell, Campbell, Deuell, Eltife, Estes, Fraser, Huffman, Nelson, Nichols, Paxton, Schwertner, Taylor.

**COMMITTEE SUBSTITUTE
SENATE BILL 1350 ON SECOND READING**

Senator West moved to suspend the regular order of business to take up for consideration **CSSB 1350** at this time on its second reading:

CSSB 1350, Relating to the motor vehicle inspection program; creating an offense; changing the collection method for certain fees.

The motion prevailed.

Senators Birdwell and Campbell asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time.

Senator West offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1350** (senate committee report) as follows:

- (1) In the recital to SECTION 5 of the bill (page 2, line 15), strike ", (i),".
- (2) In SECTION 5 of the bill, strike amended Section 382.202(i), Health and Safety Code (page 2, lines 31-42).
- (3) Strike SECTION 6 of the bill, amending Section 382.203(b), Health and Safety Code (page 2, lines 52-65).
- (4) In SECTION 27 of the bill, strike added Section 548.252(c), Transportation Code (page 7, lines 32-33).
- (5) In SECTION 40 of the bill, in amended Section 548.504(b), Transportation Code (page 10, line 20), strike "department" and substitute "state".
- (6) In SECTION 52 of the bill, strike "January" and substitute "March" in the following places:
 - (A) page 13, line 49;
 - (B) page 13, line 50; and
 - (C) page 13, line 53.
- (7) In SECTION 53 of the bill, strike "January" and substitute "March" in the following places:
 - (A) page 13, line 55; and
 - (B) page 13, line 60.
- (8) In SECTION 55(a) of the bill (page 14, line 1), strike "January" and substitute "March".

The amendment to **CSSB 1350** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

Senator West offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 1350** (senate committee report) as follows:

- (1) Strike SECTION 11 of the bill, amending Section 502.0023, Transportation Code (page 4, lines 11 through 20).
- (2) Insert the following appropriately numbered SECTIONS and renumber subsequent SECTIONS accordingly:

SECTION _____. The heading to Section 502.0023, Transportation Code, is amended to read as follows:

Sec. 502.0023. [~~EXTENDED~~] REGISTRATION OF COMMERCIAL FLEET VEHICLES.

SECTION _____. Sections 502.0023(a) and (b), Transportation Code, are amended to read as follows:

(a) ~~The [Notwithstanding Section 502.044(c), the] department shall develop and implement a system of registration to allow an owner of a commercial fleet to register the motor vehicles, semitrailers, and trailers in the commercial fleet [for an extended registration period of not less than one year or more than eight years. The owner may select the number of years for registration under this section within that range and register the commercial fleet for that period. Payment for all registration fees for the entire registration period selected is due at the time of registration].~~

(b) A system of fleet ~~[extended]~~ registration under this section must allow the owner of a commercial fleet to register:

- (1) an entire commercial fleet in the county of the owner's residence or principal place of business; or
- (2) the motor vehicles in a commercial fleet that are operated most regularly in the same county.

The amendment to **CSSB 1350** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 2.

On motion of Senator West and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 1350 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 1350 ON THIRD READING

Senator West moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1350** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

(President in Chair)

RESOLUTIONS SIGNED

The President announced the signing of the following enrolled resolutions in the presence of the Senate: **HCR 31, HCR 118.**

RECESS

On motion of Senator Whitmire, the Senate at 12:40 p.m. recessed until 1:15 p.m. today.

AFTER RECESS

The Senate met at 2:04 p.m. and was called to order by the President.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Monday, May 6, 2013 - 2

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

I am directed by the house to inform the senate that the house has taken the following action:

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

SB 213 Whitmire Sponsor: Price
Relating to the continuation and functions of the Texas Board of Criminal Justice, the Texas Department of Criminal Justice, and the Windham School District and to the functions of the Board of Pardons and Paroles and the Correctional Managed Health Care Committee.
(Committee Substitute/Amended)

SB 299 Estes Sponsor: Sheets
Relating to the intentional display of a handgun by a person licensed to carry a concealed handgun.

SB 864 Campbell Sponsor: Flynn
Relating to a handgun proficiency course that is taken to obtain or renew a concealed handgun license.
(Committee Substitute/Amended)

THE HOUSE HAS CONCURRED IN THE SENATE AMENDMENTS TO THE FOLLOWING MEASURES:

HB 893 (144 Yeas, 0 Nays, 1 Present, not voting)

THE HOUSE HAS REFUSED TO CONCUR IN THE SENATE AMENDMENTS TO THE FOLLOWING MEASURES AND REQUESTS THE APPOINTMENT OF A CONFERENCE COMMITTEE TO ADJUST THE DIFFERENCES BETWEEN THE TWO HOUSES:

HB 4 (non-record vote)

House Conferees: Ritter - Chair/Callegari/Keffer/Lucio III/Miller, Doug

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

HOUSE CONCURRENT RESOLUTION 85

The President laid before the Senate the following resolution:

HCR 85, In memory of Officer Jaime Padron of the Austin Police Department.

WATSON

The resolution was again read.

HCR 85 was previously adopted on Wednesday, April 24, 2013.

In honor of the memory of Jaime Padron, the text of the resolution is printed at the end of today's *Senate Journal*.

Senator Watson was recognized and introduced to the Senate family members of Jaime Padron: Juan and Zoila Padron, parents; Johnny and Gloria Padron, brother and sister-in-law; Joe Padron, brother; Linda and Steve Diaz, sister and brother-in-law; and Steven Diaz, nephew.

The Senate welcomed its guests and extended its sympathy.

**COMMITTEE SUBSTITUTE
HOUSE BILL 5 ON SECOND READING**

Senator Patrick moved to suspend the regular order of business to take up for consideration **CSHB 5** at this time on its second reading:

CSHB 5, Relating to public school accountability, assessment and curriculum requirements for high school graduation, and funding in support of certain curriculum authorized for graduation; providing a criminal penalty.

The motion prevailed.

Senator Zaffirini asked to be recorded as voting "Nay" on suspension of the regular order of business.

The bill was read second time.

Senator Patrick offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSHB 5** (senate committee printing) as follows:

(1) Strike the recital to SECTION 6 of the bill (page 2, lines 67-69) and substitute the following:

SECTION 6. (a) Section 28.002, Education Code, is amended by amending Subsections (a), (c), and (f) and adding Subsections (o) and (t) to read as follows:

(a) Each school district that offers kindergarten through grade 12 shall offer, as a required curriculum:

(1) a foundation curriculum that includes:

(A) English language arts;

(B) mathematics;

(C) science; and

(D) social studies, consisting of Texas, United States, and world history, government, ~~[economics, with emphasis on the free enterprise system and its benefits, and]~~ geography, and personal financial literacy; and

(2) an enrichment curriculum that includes:

(A) to the extent possible, languages other than English;

(B) health, with emphasis on the importance of proper nutrition and exercise;

(C) physical education;

(D) fine arts;

(E) career and technology education;

(F) technology applications; and

(G) religious literature, including the Hebrew Scriptures (Old Testament) and New Testament, and its impact on history and literature.

(2) Add the following appropriately numbered SECTION to the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION _____. (a) Section 28.0021(b), Education Code, is amended to read as follows:

(b) Each school district and each open-enrollment charter school that offers a high school program shall provide to a student instruction in personal financial literacy in a ~~[any]~~ course meeting the requirements for a social studies ~~[an economics]~~ credit under Section 28.025, using materials approved by the State Board of Education. The instruction in personal financial literacy must include instruction on completing the application for federal student aid provided by the United States Department of Education. In fulfilling the requirement to provide financial literacy instruction under this section, a school district or open-enrollment charter school may use an existing state, federal, private, or nonprofit program that provides students without charge the instruction described under this section. ~~[Each district and each open-enrollment charter school that offers a high school program shall ensure that a district or charter school student enrolled at an institution of higher education in a dual credit course meeting the requirements for an economics credit under Section 28.025 receives the instruction described under this subsection.]~~

(b) This section applies beginning with the 2014-2015 school year.

(3) In SECTION 12 of the bill, in amended Section 28.025(b-1), Education Code (page 7, line 27), strike "economics ~~[to meet the social studies requirement]~~" and substitute "personal financial literacy ~~[economics to meet the social studies requirement]~~".

(Senator Eltife in Chair)

The amendment to **CSHB 5** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

Senator Patrick offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSHB 5** (senate committee report) as follows:

(1) Strike SECTION 8 of the bill, amending Section 28.014, Education Code (page 3, line 63, through page 5, line 25), and substitute the following:

SECTION 8. (a) Sections 28.014(b), (c), and (f), Education Code, are amended to read as follows:

(b) A student who successfully completes a course developed under this section may use the credit earned in the course toward satisfying the applicable mathematics or science curriculum requirement for the foundation ~~[recommended or advanced]~~ high school program under Section 28.025.

~~[(c) The agency, in consultation with the Texas Higher Education Coordinating Board, shall adopt an end of course assessment instrument for each course developed under this section to ensure the rigor of the course. A school district shall, in accordance with State Board of Education rules, administer the end of course assessment instrument to a student enrolled in a course developed under this section. [Each school district shall adopt a policy that requires a student's performance on the end of course assessment instrument to account for 15 percent of the student's final grade for the course.] A student's performance on an end of course assessment instrument administered under this subsection may be used, on a scale of 0-40, in calculating whether the student satisfies the graduation requirements established under Section 39.025.]~~

(f) To the extent applicable, the commissioner shall draw from curricula and instructional materials developed under Section ~~[Sections]~~ 28.008 ~~[and 61.0763]~~ in developing a course and related instructional materials under this section. Not later than September 1, 2010, the State Board of Education shall adopt essential knowledge and skills for each course developed under this section. The State Board of Education shall make each course developed under this section and the related instructional materials available to school districts not later than the 2014-2015 school year. ~~[As required by Subsection (c), a school district shall adopt a policy requiring a student's performance on an end of course assessment instrument administered under that subsection to account for 15 percent of the student's grade for a course developed under this section not later than the 2014-2015 school year.]~~ This subsection expires September 1, 2015.

(b) This section applies beginning with the 2013-2014 school year.

(2) Strike SECTION 22 of the bill, amending 31.0211(c), Education Code, and SECTION 23 of the bill, adding Section 31.031, Education Code (page 13, line 41, through page 14, line 20).

(3) In the recital to SECTION 29(a) of the bill, amending Section 39.025, Education Code (page 17, line 19), strike "and (b)" and substitute "(b), and (b-2)".

(4) In SECTION 29 of the bill, strike amended Section 39.025(a-1), Education Code (page 17, line 53, through page 18, line 21), and substitute the following:

(a-1) The commissioner ~~[by rule]~~ shall determine a method by which a student's satisfactory performance on an advanced placement test, an international baccalaureate examination, an SAT Subject Test, the SAT, the ACT, or any nationally recognized norm-referenced ~~[another]~~ assessment instrument used by institutions of higher education to award course credit based on satisfactory performance on the ~~[determined by the commissioner to be at least as rigorous as an end of course]~~ assessment instrument shall ~~[adopted under Section 39.023(e) may]~~ be used to satisfy ~~[as a factor in determining whether the student satisfies]~~ the requirements concerning an end-of-course assessment instrument in an equivalent course as prescribed by ~~[of]~~ Subsection (a)], ~~[including the cumulative score requirement of that subsection]~~. The commissioner shall ~~[by rule may]~~ determine a method by which a student's satisfactory performance on the PSAT or the ACT-Plan shall ~~[a Preliminary Scholastic Assessment Test (PSAT) assessment or a preliminary American College Test (ACT)]~~

~~assessment may] be used to satisfy [as a factor in determining whether the student satisfies] the requirements concerning an end-of-course assessment instrument in an equivalent course as prescribed by [of] Subsection (a). A student who fails to perform satisfactorily on a test or other assessment instrument authorized under this subsection, other than the PSAT or the ACT-Plan, may retake that test or other assessment instrument for purposes of this subsection or may take the appropriate end-of-course assessment instrument. A student who fails to perform satisfactorily on the PSAT or the ACT-Plan must take the appropriate end-of-course assessment instrument. The commissioner shall adopt rules as necessary for the administration of this subsection.~~

(5) In SECTION 29 of the bill, amending Section 39.025, Education Code, immediately following amended Section 39.025(b), Education Code (page 18, between lines 57 and 58), insert the following:

(b-2) If a school district determines that a student, on completion of grade 11, is unlikely to achieve the ~~[cumulative]~~ score requirement under Subsection (a) ~~[requirements]~~ for one or more end-of-course assessment instruments administered to the student as provided ~~[subjects prescribed]~~ by Subsection (a) for receiving a high school diploma, the district shall require the student to enroll in a corresponding content-area college preparatory course for which an end-of-course assessment instrument has been adopted, if available. A student who enrolls in a college preparatory course described by this subsection shall be administered an end-of-course assessment instrument for the course, with the end-of-course assessment instrument scored on a scale as determined by the commissioner ~~[not to exceed 20 percent of the cumulative score requirements required to graduate as determined under Subsection (a)].~~ A student may use the student's score on the end-of-course assessment instrument for the college preparatory course towards satisfying the ~~[cumulative]~~ score requirement ~~[requirements]~~ prescribed by Subsection (a).

(6) In the recital to SECTION 52(a) of the bill, amending Section 51.3062, Education Code (page 27, lines 60-61), strike "Section 51.3062, Education Code, is amended by amending Subsection (i) and adding Subsection (q-3)" and substitute "Section 51.3062(i), Education Code, is amended".

(7) In SECTION 52 of the bill, strike added Section 51.3062(q-3), Education Code (page 28, lines 7-12).

(8) In SECTION 66(a) of the bill (page 34, line 43), strike Subdivision (5) and substitute the following:

- (5) Section 39.025(a-3); and
- (9) Renumber SECTIONS of the bill appropriately.

The amendment to **CSHB 5** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 2.

Senator Patrick offered the following amendment to the bill:

Floor Amendment No. 3

Amend **CSHB 5** (senate committee report) as follows:

(1) In the recital to SECTION 6 of the bill, amending Section 28.002, Education Code (page 2, lines 68 and 69), strike "Subsections (o) and (t)" and substitute "Subsection (o)".

(2) In SECTION 6 of the bill, strike added Section 28.002(t), Education Code (page 3, lines 34-41).

(3) Strike SECTION 51 of the bill, amending Section 42.154, Education Code (page 27, lines 35-59), and renumber subsequent SECTIONS of the bill accordingly.

The amendment to **CSHB 5** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 3.

Senator Patrick offered the following amendment to the bill:

Floor Amendment No. 4

Amend **CSHB 5** (senate committee printing) as follows:

(1) In the recital to SECTION 12 of the bill, amending Section 28.025, Education Code (page 6, line 32), between "(b-12)," and "(c-1)," insert "(b-13)".

(2) In SECTION 12 of the bill, in amended Section 28.025(b-1)(5), Education Code (page 7, line 28), between "Subsection (b-12)" and the bracket, insert "or (b-13)".

(3) In SECTION 12 of the bill, in amended Section 28.025, Education Code (page 9, between lines 14 and 15), insert the following:

(b-13) In adopting rules under Subsection (b-1), the State Board of Education shall allow a student to substitute credit in another appropriate course for the second credit in the same language in a language other than English otherwise required by Subsection (b-1)(5) if the student, in completing the first credit required under Subsection (b-1)(5), demonstrates that the student is unlikely to be able to complete the second credit. The board rules must establish:

(1) the standards and, as applicable, the appropriate school personnel for making a determination under this subsection; and

(2) appropriate substitute courses for purposes of this subsection.

The amendment to **CSHB 5** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 4.

Senator Patrick offered the following amendment to the bill:

Floor Amendment No. 5

Amend **CSHB 5** (senate committee printing) in SECTION 12 of the bill by striking amended Section 28.025(b-9), Education Code (page 8, lines 23-34), and substituting the following:

(b-9) A school district, with the approval of the commissioner, may allow ~~[The agency shall establish a pilot program allowing]~~ a student ~~[attending school in a county with a population of more than one million and in which more than 75 percent of the population resides in a single municipality]~~ to satisfy the fine arts credit required under Subsection (b-1)(8) ~~[(b-1)(3)(A)]~~ by participating in a community-based fine arts program not provided by the school district in which the student is enrolled. The fine arts program must provide instruction in the essential knowledge and skills identified for fine arts by the State Board of Education under Section 28.002(c). The fine arts program may be provided on or off a school campus and outside the regular school day. ~~[Not later than December 1, 2010, the agency shall provide to the legislature a report regarding the pilot program, including the feasibility of expanding the pilot program statewide.]~~

The amendment to **CSHB 5** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 5.

Senator Patrick offered the following amendment to the bill:

Floor Amendment No. 6

Amend **CSHB 5** (senate committee printing) as follows:

- (1) Strike SECTION 18 of the bill (page 12, lines 20 through 25).
- (2) Strike SECTION 19 of the bill (page 12, lines 26 through 56).
- (3) In SECTION 66(a) of the bill, strike Subdivision (1) repealing Sections 29.190(b) and (e), Education Code (page 34, line 38), and renumber subsequent subdivisions of SECTION 66(a) accordingly.

The amendment to **CSHB 5** was read.

Senator Patrick temporarily withdrew Floor Amendment No. 6.

Senator Patrick offered the following amendment to the bill:

Floor Amendment No. 7

Amend **CSHB 5** (senate committee report) by striking SECTION 31 of the bill, amending Section 39.0261(a), Education Code (page 19, lines 27-55), and substituting the following:

SECTION 31. (a) Section 39.0261, Education Code, is amended by amending Subsections (a) and (e) and adding Subsection (a-1) to read as follows:

(a) In addition to the assessment instruments otherwise authorized or required by this subchapter:

(1) ~~[each school year and at state cost, a school district shall administer to students in the spring of the eighth grade an established, valid, reliable, and nationally norm referenced preliminary college preparation assessment instrument for the purpose of diagnosing the academic strengths and deficiencies of students before entrance into high school;~~

~~[(2)]~~ each school year and at state cost, a school district shall administer to high school students, in the spring or fall of the 10th grade, either the PSAT or the ACT-Plan, as determined by the district ~~[an established, valid, reliable, and nationally~~

~~norm-referenced preliminary college preparation assessment instrument for the purpose of measuring a student's progress toward readiness for college and the workplace]; and~~

~~(2) each school year and at state cost, a school district may administer to [(2)] high school students, in the spring of the 11th grade, either the SAT or the ACT, as determined by the district and at the student's option, to determine college readiness [or during the 12th grade may select and take once, at state cost, one of the valid, reliable, and nationally norm-referenced assessment instruments used by colleges and universities as part of their undergraduate admissions processes].~~

~~(a-1) Testing under Subsection (a) must meet standards adopted by commissioner rule, including standards concerning:~~

- ~~(1) test administration, scheduling, and accommodations;~~
- ~~(2) data collection;~~
- ~~(3) reporting; and~~
- ~~(4) maximum costs.~~

~~(e) Subsection (a)(2) [(a)(3)] does not prohibit a high school student in the spring of the 11th grade or during the 12th grade from selecting and taking, at the student's own expense, one of the valid, reliable, and nationally norm-referenced assessment instruments used by colleges and universities as part of their undergraduate admissions processes more than once.~~

~~(b) This section applies beginning with the 2013-2014 school year.~~

The amendment to **CSHB 5** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 7.

Senator Patrick offered the following amendment to the bill:

Floor Amendment No. 8

Amend **CSHB 5** (senate committee printing) by striking SECTION 39 of the bill, adding Section 39.0541, Education Code (page 22, lines 40 through 60), and renumbering subsequent SECTIONS of the bill accordingly.

The amendment to **CSHB 5** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 8.

Senator Patrick offered the following amendment to the bill:

Floor Amendment No. 9

Amend **CSHB 5** (senate committee report) as follows:

(1) Add the following appropriately numbered SECTION to the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION _____. (a) Section 130.008(d), Education Code, is amended to read as follows:

(d) ~~A [Except as provided by Subsection (d-1), a]~~ public junior college may enter into an agreement with a school district, organization, or other person that operates a high school to offer a course as provided by this section regardless of whether the high school is located within the service area of the junior college district.

(b) This section applies beginning with the 2013-2014 school year.

(2) In SECTION 66(a) of the bill, strike Subdivisions (5) and (6) (page 34, lines 43 and 44), and substitute the following:

(5) Section 39.025(a-3);

(6) Section 51.3062(q-1); and

(7) Section 130.008(d-1).

The amendment to **CSHB 5** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 9.

Senator Patrick offered the following amendment to the bill:

Floor Amendment No. 10

Amend **CSHB 5** (senate committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. (a) Section 39.054(a), Education Code, is amended to read as follows:

(a) The commissioner shall adopt rules to evaluate school district and campus performance and, not later than August 8 of each year, assign each district ~~and campus~~ a performance rating of A, B, C, D, or F. In adopting rules under this subsection, the commissioner shall determine the criteria for each designated letter performance rating. A district performance rating of A, B, or C ~~that~~ reflects acceptable performance and a district performance rating of D or F reflects ~~or~~ unacceptable performance. Not later than August 8 of each year, the commissioner shall also assign each campus a performance rating of exemplary, recognized, acceptable, or unacceptable. A campus performance rating of exemplary, recognized, or acceptable reflects acceptable performance, and a campus performance rating of unacceptable reflects unacceptable performance. If a district or campus received a performance rating that reflected ~~or~~ unacceptable performance for the preceding school year, the commissioner shall notify the district of a subsequent such designation on or before June 15.

(b) This section applies beginning with the 2013-2014 school year.

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The amendment to **CSHB 5** was read and was adopted by the following vote: Yeas 23, Nays 8.

Yeas: Campbell, Carona, Davis, Duncan, Ellis, Estes, Fraser, Garcia, Hancock, Hinojosa, Huffman, Lucio, Nichols, Patrick, Paxton, Rodríguez, Seliger, Taylor, Uresti, Watson, West, Whitmire, Williams.

Nays: Birdwell, Deuell, Eltife, Hegar, Nelson, Schwertner, Van de Putte, Zaffirini.

Senator Van de Putte offered the following amendment to the bill:

Floor Amendment No. 11

Amend **CSHB 5** (senate committee printing) as follows:

(1) In the recital to SECTION 6 of the bill, amending Section 28.002, Education Code (page 2, line 68), strike "(o) and" and substitute "(f-1), (o), and".

(2) In SECTION 6 of the bill, immediately following amended Section 28.002(f), Education Code (page 3, between lines 29 and 30), insert the following:

(f-1) The commissioner may approve for credit for high school graduation a discipline-based course in the foundation or enrichment curriculum submitted for approval by a school district or open-enrollment charter school if the district or school demonstrates to the satisfaction of the commissioner that the proposed course is academically challenging and addresses documented student needs.

(3) In SECTION 10 of the bill, in amended Section 28.0212(a), Education Code (page 5, line 49), immediately following the period, insert "In developing a student's personal graduation plan, the designated individual shall advise the student and provide the student with written information concerning the curriculum requirements that the student must complete to qualify for automatic college admission under Section 51.803."

(4) In the recital to SECTION 12 of the bill, amending Section 28.025, Education Code (page 6, line 30), strike "(b-4), (b-5)," and substitute "(b-3), (b-4), (b-5), (b-6),".

(5) In the recital to SECTION 12 of the bill, amending Section 28.025, Education Code (page 6, line 32), strike "(c-1), (c-2), (c-3), (c-4)," and substitute "(b-13), (b-14), (c-1), (c-2), (c-3),".

(6) In SECTION 12 of the bill, strike amended Sections 28.025(b), (b-1), (b-2), (b-4) and (b-5), Education Code (page 6, line 47, through page 8, line 13), and substitute the following:

(b) A school district shall ensure that each student enrolls in the courses necessary to complete the curriculum requirements identified by the State Board of Education under Subsection (a) for the foundation [~~recommended or advanced~~] high school program unless the student, the student's parent or other person standing in parental relation to the student, and a school counselor or school administrator, in consultation with a committee established by the district composed of persons with appropriate knowledge concerning the student, agree in writing signed by each party that the student should be permitted to substitute [~~take~~] courses offered under Section 28.002(f), as determined under Subsection (b-6), [~~the minimum high school program~~] and the student:

(1) performs on the English I or Algebra I end-of-course assessment instrument under Section 39.023 at a level that, as established by commissioner rule, is below the seventh grade level [~~at least 16 years of age~~];

(2) has [~~completed~~] two or more times failed to achieve satisfactory performance, as determined by the commissioner under Section 39.024(a), on an end-of-course assessment instrument required for graduation under Section 39.025 [~~credits required for graduation in each subject of the foundation curriculum under Section 28.002(a)(1)~~]; or

(3) has failed to be promoted to the tenth grade one or more times as determined by the school district.

(b-1) The State Board of Education by rule shall require that [±

~~[(1) except as provided by Subsection (b-2),]~~ the curriculum requirements for the foundation ~~[recommended and advanced]~~ high school program ~~[programs]~~ under Subsection (a) include a requirement that students successfully complete:

~~(1) [(A)]~~ four credits in English language arts ~~[each subject of the foundation curriculum]~~ under Section 28.002(a)(1)(A), including:

(A) one credit in English I;

(B) one credit in English II;

(C) one credit in English III; and

(D) one credit in:

(i) English IV;

(ii) an advanced English language arts course authorized under

Subsection (b-2); or

(iii) an English language arts course recognized by an institution of higher education, as defined by Section 61.003, as a course for which the institution would award course credit or as a prerequisite for a course for which the institution would award course credit;

(2) four credits in mathematics under Section 28.002(a)(1)(B), including:

(A) one credit in Algebra I;

(B) one credit in geometry; and

(C) a total of two credits in any of the following courses:

(i) Algebra II;

(ii) an advanced mathematics course authorized under Subsection

(b-2); and

(iii) a mathematics course recognized by an institution of higher education, as defined by Section 61.003, as a course for which the institution would award course credit or as a prerequisite for a course for which the institution would award course credit;

(3) four credits in science under Section 28.002(a)(1)(C), including:

(A) one credit in biology;

(B) one credit in:

(i) chemistry; or

(ii) integrated physics and chemistry; and

(C) a total of two credits in any of the following courses:

(i) physics;

(ii) an advanced science course authorized under Subsection (b-2);

and

(iii) a science course recognized by an institution of higher education, as defined by Section 61.003, as a course for which the institution would award course credit or as a prerequisite for a course for which the institution would award course credit;

(4) three credits in social studies under Section 28.002(a)(1)(D) [28.002(a)(4)], including:

(A) one credit in United States history;

(B) at least one-half credit in government and at least one-half credit in economics; and

(C) one credit in:

(i) world geography; or

(ii) world history [~~to meet the social studies requirement~~];

(5) except as provided under Subsection (b-12) [~~(B) for the recommended high school program~~], two credits in the same language in a language other than English under Section 28.002(a)(2)(A) or, at the option of the student, two credits in computer programming and, for the advanced high school program, three credits in the same language in a language other than English under Section 28.002(a)(2)(A); [~~and~~]

(6) seven [~~(C) for the recommended high school program, six~~] elective credits [~~and, for the advanced high school program, five elective credits~~];

(7) [~~(2) one or more credits offered in the required curriculum for the recommended and advanced high school programs include a research writing component; and~~

(3) the curriculum requirements for the minimum, recommended, and advanced high school programs under Subsection (a) include a requirement that students successfully complete:

(A) one credit in fine arts under Section 28.002(a)(2)(D); and

(8) [(B)] except as provided by Subsection (b-11), one credit in physical education under Section 28.002(a)(2)(C).

(b-2) In adopting rules under Subsection (b-1), the State Board of Education shall provide for [allow] a student to comply with the curriculum requirements for an advanced English language arts course under Subsection (b-1)(1) taken after successful completion of English I, English II, and English III, for an advanced [a] mathematics course under Subsection (b-1)(2), [(b-1)(1) taken after the successful completion of Algebra I and geometry] and for an advanced [either after the successful completion of or concurrently with Algebra II or a] science course under Subsection (b-1)(3) [(b-1)(1) taken after the successful completion of biology and chemistry and either after the successful completion of or concurrently with physics] by successfully completing a course in the appropriate content area that has been approved as an advanced course under Section 28.002(f-1) [career and technical course designated by the State Board of Education as containing substantively similar and rigorous academic content. A student may use the option provided by this subsection for not more than two courses].

(b-3) In adopting rules for purposes of Subsection (b-2) [to provide students with the option described by Subsection (b-1)(1)(A)], the State Board of Education must approve a variety of advanced English language arts, mathematics, and science courses that may be taken [after the completion of Algebra II and physics] to comply with the foundation high school [recommended] program requirements, provided that each approved course prepares students to enter the workforce successfully or postsecondary education without remediation.

(b-4) A school district may offer the curriculum described in Subsections (b-1)(1) through (4) [Subsection (b-1)(1)(A)] in an applied manner. Courses delivered in an applied manner must cover the essential knowledge and skills, and the student shall be administered the applicable end-of-course assessment instrument as provided by Sections 39.023(c) and 39.025.

(b-5) Credit for a [A school district may offer a mathematics or science] course recognized by an institution of higher education under Subsection (b-1)(1), (2), or (3) is transferable from one school district to another and from one school to another [to be taken by a student after completion of Algebra II and physics to comply with the recommended program requirements in Subsection (b-1)(1)(A). A course approved under this subsection must be endorsed by an institution of higher education as a course for which the institution would award course credit or as a prerequisite for a course for which the institution would award course credit].

(b-6) The committee established under Subsection (b) shall provide a student and the [Before a] student's parent or other person standing in parental relation to the student who [may] agree that the student be permitted to substitute [take] courses offered under Section 28.002(f), [the minimum high school program] as provided by Subsection (b), with options for choosing among various alternative personal graduation plans under Section 28.0212 that include the substitute courses [a school district must provide written notice to the parent or person standing in parental relation explaining the benefits of the recommended high school program. The notice shall be developed by the agency and must:

(1) be printed in English and Spanish; and

(2) require that the student's parent or person standing in parental relation to the student sign a confirmation of receipt and return the confirmation to the student's campus].

(7) In SECTION 12 of the bill, in amended Section 28.025(b-9), Education Code (page 8, line 27), strike "(b-1)(8)" and substitute "(b-1)(7)".

(8) In SECTION 12 of the bill, in amended Section 28.025(b-10), Education Code (page 8, line 38), strike "(b-1)(9)" and substitute "(b-1)(8)".

(9) In SECTION 12 of the bill, in amended Section 28.025(b-11), Education Code (page 8, line 46), strike "(b-1)(9)" and substitute "(b-1)(8)".

(10) In SECTION 12 of the bill, in added Section 28.025(b-12), Education Code (page 8, line 67), between "(b-1)(5)," and "to", insert "or a student who substitutes under Subsection (b) two courses for two courses in the same language in a language other than English".

(11) In SECTION 12 of the bill, in added Section 28.025(b-12)(1), Education Code (page 9, line 10), strike "or".

(12) In SECTION 12 of the bill, in added Section 28.025(b-12)(2), Education Code (page 9, line 14), strike the period and substitute the following:

; or

(3) if neither Subdivision (1) or (2) applies to the student but the student substitutes courses under Subsection (b), the committee described by that subsection.

(13) In SECTION 12 of the bill, strike added Sections 28.025(c-1) and (c-2), Education Code (page 9, lines 15-67), and substitute the following:

(b-13) Beginning with the 2017-2018 school year, a school district may not allow more than 10 percent of a district high school graduation cohort to substitute courses under Subsection (b).

(b-14) This subsection expires September 1, 2017. A school district may not allow:

(1) for the 2013-2014 school year, more than 25 percent of a district high school graduation cohort to substitute courses under Subsection (b);

(2) for the 2014-2015 school year, more than 20 percent of a district high school graduation cohort to substitute courses under Subsection (b); and

(3) for the 2015-2016 and 2016-2017 school years, more than 15 percent of a district high school graduation cohort to substitute courses under Subsection (b).

(c-1) A student may earn an endorsement on the student's transcript by successfully completing curriculum requirements for that endorsement adopted by the State Board of Education by rule. An endorsement under this subsection may be earned in any of the following categories:

(1) science, technology, engineering, and mathematics (STEM), which includes courses directly related to science, including environmental science, technology, including computer science, engineering, and advanced mathematics;

(2) business and industry, which includes courses directly related to database management, information technology, communications, accounting, finance, marketing, graphic design, architecture, construction, welding, logistics, automotive technology, agricultural science, and heating, ventilation, and air-conditioning;

(3) public services, which includes courses directly related to health sciences and occupations, education and training, law enforcement, and culinary arts and hospitality; and

(4) arts and humanities, which includes courses directly related to political science, world languages, cultural studies, English literature, history, and fine arts.

(c-2) In adopting rules under Subsection (c-1), the State Board of Education shall develop additional curriculum requirements for each endorsement with the direct participation of educators and business, labor, and industry representatives, and shall require each school district to report to the agency the categories of endorsements under Subsection (c-1) for which the district offers all courses for curriculum requirements, as determined by board rule.

(14) In SECTION 12 of the bill, strike added Section 28.025(c-4), Education Code (page 10, lines 4-5).

(15) Strike SECTIONS 53 through 55 of the bill, amending Sections 51.803, 51.805, and 51.807, Education Code (page 28, line 15, through page 29, line 56), and substitute the following SECTIONS, appropriately numbered:

SECTION ____. (a) Section 51.803, Education Code, is amended by amending Subsections (a) and (d) and adding Subsections (m) and (n) to read as follows:

(a) Subject to Subsection (a-1), each general academic teaching institution shall admit an applicant for admission to the institution as an undergraduate student if the applicant graduated with a grade point average in the top 10 percent of the student's high school graduating class in one of the two school years preceding the academic year for which the applicant is applying for admission and:

(1) the applicant graduated from a public or private high school in this state accredited by a generally recognized accrediting organization or from a high school operated by the United States Department of Defense;

(2) the applicant:

(A) successfully completed:

(i) at a public high school, the curriculum requirements established under Section 28.025 for the foundation ~~[recommended or advanced]~~ high school program; or

(ii) at a high school to which Section 28.025 does not apply, a curriculum that is equivalent in content and rigor to the foundation ~~[recommended or advanced]~~ high school program; or

(B) satisfied ACT's College Readiness Benchmarks on the ACT assessment applicable to the applicant or earned on the SAT assessment a score of at least 1,500 out of 2,400 or the equivalent; and

(3) if the applicant graduated from a high school operated by the United States Department of Defense, the applicant is a Texas resident under Section 54.052 or is entitled to pay tuition fees at the rate provided for Texas residents under Section 54.241(d) ~~[54.058(d)]~~ for the term or semester to which admitted.

(d) For purposes of Subsection (c)(2), a student's official transcript or diploma must, not later than the end of the student's junior year, indicate[~~+~~]:

[~~(+)~~] whether the student has satisfied or is on schedule to satisfy the requirements of Subsection (a)(2)(A)(i) or (ii), as applicable[~~;~~]; ~~or~~

[~~(2) if Subsection (b) applies to the student, whether the student has completed the portion of the recommended or advanced curriculum or of the curriculum equivalent in content and rigor, as applicable, that was available to the student~~].

(m) Notwithstanding any other provision of this section, a general academic teaching institution is not required to admit under this section an applicant for admission to the institution whose high school transcript reflects that the student substituted courses as provided by Section 28.025(b).

(n) The Texas Higher Education Coordinating Board and the commissioner of education shall jointly adopt rules to establish eligibility requirements for admission under this section for students participating in the minimum, recommended, or advanced high school program. This subsection expires September 1, 2020.

(b) This section applies beginning with the 2014-2015 school year.

SECTION _____. (a) Section 51.804, Education Code, is amended to read as follows:

Sec. 51.804. ADDITIONAL AUTOMATIC ADMISSIONS: SELECTED INSTITUTIONS. For each academic year, the governing board of each general academic teaching institution shall determine whether to adopt an admissions policy under which an applicant to the institution as a first-time freshman student, other than an applicant eligible for admission under Section 51.803, shall be admitted to the institution if the applicant:

(1) graduated from a public or private high school in this state accredited by a generally recognized accrediting organization with a grade point average in the top 25 percent of the applicant's high school graduating class; and

(2) satisfies the requirements of:

(A) Section 51.803(a)(2)(A) or (B) [~~51.803(b), as applicable to the student, or Section 51.803 (a)(2)(B)~~]; and

(B) Sections 51.803(c)(2) and 51.803(d).

(b) This section applies beginning with the 2014-2015 school year.

SECTION _____. (a) Section 51.805, Education Code, is amended by amending Subsection (a) and adding Subsection (g) to read as follows:

(a) A graduating student who does not qualify for admission under Section 51.803 or 51.804 may apply to any general academic teaching institution if the student satisfies the requirements of:

(1) Section 51.803(a)(2)(A) or (B) [~~51.803(b), as applicable to the student, or Section 51.803(a)(2)(B)~~]; and

(2) Sections 51.803(c)(2) and 51.803(d).

(g) The Texas Higher Education Coordinating Board and the commissioner of education shall jointly adopt rules to establish eligibility requirements for admission under this section as to curriculum requirements for high school graduation under Subsection (a) for students participating in the minimum, recommended, or advanced high school program regarding high school curriculum completion. This subsection expires September 1, 2020.

(b) This section applies beginning with the 2014-2015 school year.

SECTION _____. (a) Section 51.807(b), Education Code, is amended to read as follows:

(b) The Texas Higher Education Coordinating Board, after consulting with the Texas Education Agency, by rule shall establish standards for determining for purposes of this subchapter:

(1) whether a private high school is accredited by a generally recognized accrediting organization; and

(2) whether a person completed a high school curriculum that is equivalent in content and rigor to the curriculum requirements established under Section 28.025 for the foundation [~~recommended or advanced~~] high school program.

(b) This section applies beginning with the 2014-2015 school year.

(16) In SECTION 66(b)(3) of the bill, repealing provisions of the Education Code (page 34, line 49), strike "Sections 28.025(b-3), (b-6), (b-8)," and substitute "Sections 28.025(b-8)".

(17) In SECTION 66(b)(4) of the bill, repealing provisions of the Education Code (page 34, line 50), strike "and".

(18) In SECTION 66(b)(5) of the bill, repealing provisions of the Education Code (page 34, line 51), strike the period and substitute "; and

(6) Section 51.803(b)."

(19) Renumber SECTIONS of the bill appropriately.

The amendment to **CSHB 5** was read.

(President in Chair)

Senator Van de Putte withdrew Floor Amendment No. 11.

Senator Van de Putte offered the following amendment to the bill:

Floor Amendment No. 12

Amend **CSHB 5** (senate committee printing), in SECTION 6 of the bill, immediately following amended Section 28.002(f), Education Code (page 3, between lines 29 and 30), insert the following:

(f-1) The commissioner may approve for credit for high school graduation a discipline-based course in the foundation or enrichment curriculum submitted for approval by a school district or open-enrollment charter school if the district or school demonstrates to the satisfaction of the commissioner that the proposed course is academically challenging and addresses documented student needs.

The amendment to **CSHB 5** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 12.

Senator Van de Putte offered the following amendment to the bill:

Floor Amendment No. 13

Amend **CSHB 5** (senate committee printing) as follows:

(1) Add the following appropriately numbered SECTION to the bill (page 1, between lines 25 and 26):

SECTION _____. (a) Section 7.010(c), Education Code, is amended to read as follows:

(c) The electronic student records system must permit an authorized state or district official or an authorized representative of an institution of higher education to electronically transfer to and from an educational institution in which the student is enrolled and retrieve student transcripts, including information concerning a student's:

- (1) course or grade completion;
- (2) teachers of record;
- (3) assessment instrument results;

(4) receipt of special education services, including placement in a special education program and the individualized education program developed; and

(5) personal graduation plan as described by Section 28.0212 or 28.02121, as applicable.

(b) This section applies beginning with the 2014-2015 school year.

(2) Add the following appropriately numbered SECTION to the bill (page 1, between lines 59 and 60):

SECTION _____. (a) Section 12.111(b), Education Code, is amended to read as follows:

(b) A charter holder of an open-enrollment charter school shall consider including in the school's charter a requirement that the school develop and administer personal graduation plans under Sections ~~[Section]~~ 28.0212 and 28.02121.

(b) This section applies beginning with the 2014-2015 school year.

(3) Add the following appropriately numbered SECTION to the bill (page 5, between lines 38 and 39):

SECTION _____. (a) The heading to Section 28.0212, Education Code, is amended to read as follows:

Sec. 28.0212. JUNIOR HIGH OR MIDDLE SCHOOL PERSONAL GRADUATION PLAN.

(b) This section applies beginning with the 2014-2015 school year.

(4) Strike SECTION 10 of the bill (page 5, line 39, through page 6, line 16) and substitute the following:

SECTION _____. (a) Sections 28.0212(a) and (b), Education Code, are amended to read as follows:

(a) A principal of a junior high or middle school shall designate a guidance counselor, teacher, or other appropriate individual to develop and administer a personal graduation plan for each student enrolled in the [a] junior high or [r] middle[; or high] school who:

(1) does not perform satisfactorily on an assessment instrument administered under Subchapter B, Chapter 39; or

(2) is not likely to receive a high school diploma before the fifth school year following the student's enrollment in grade level nine, as determined by the district.

(b) A personal graduation plan under this section must:

(1) identify educational goals for the student;

(2) include diagnostic information, appropriate monitoring and intervention, and other evaluation strategies;

(3) include an intensive instruction program described by Section 28.0213;

(4) address participation of the student's parent or guardian, including consideration of the parent's or guardian's educational expectations for the student; and

(5) provide innovative methods to promote the student's advancement, including flexible scheduling, alternative learning environments, on-line instruction, and other interventions that are proven to accelerate the learning process and have been scientifically validated to improve learning and cognitive ability.

(b) This section applies beginning with the 2014-2015 school year.

(5) Add the following appropriately numbered SECTION to the bill (page 6, between lines 16 and 17):

SECTION _____. (a) Subchapter B, Chapter 28, Education Code, is amended by adding Section 28.02121 to read as follows:

Sec. 28.02121. HIGH SCHOOL PERSONAL GRADUATION PLAN. (a) The agency, in consultation with the Texas Workforce Commission and the Texas Higher Education Coordinating Board, shall prepare and make available to each school district in English and Spanish information that explains the advantages of each endorsement described by Section 28.025(c-1).

(b) A school district shall publish the information provided to the district under Subsection (a) on the Internet website of the district and ensure that the information is available to students in grades nine and above and the parents or legal guardians of those students.

(c) A principal of a high school shall designate a guidance counselor or school administrator to review personal graduation plan options with each student entering grade nine together with that student's parent or guardian. The personal graduation

plan options reviewed must include the endorsements described by Section 28.025(c-1). Before the conclusion of the school year, the student and the student's parent or guardian must confirm and sign a personal graduation plan for the student.

(d) A personal graduation plan under Subsection (c) must identify a course of study that:

(1) promotes:

(A) college and workforce readiness; and

(B) career placement and advancement; and

(2) facilitates the student's transition from secondary to postsecondary education.

(e) A school district may not prevent a student and the student's parent or guardian from confirming a personal graduation plan that includes pursuit of an endorsement.

(f) A student may amend the student's personal graduation plan after the initial confirmation of the plan under this section.

(b) This section applies beginning with the 2014-2015 school year.

(6) Add the following appropriately numbered SECTION to the bill (page 25, between lines 66 and 67):

SECTION _____. (a) Section 39.235(b), Education Code, is amended to read as follows:

(b) Before awarding a grant under this section, the commissioner may require a campus or school district to:

(1) obtain local matching funds; or

(2) meet other conditions, including developing a personal graduation plan under Section 28.0212 for each student enrolled at the campus or in a district middle or [s] junior high [~~or high~~] school.

(7) In SECTION 66(b) of the bill (page 34, line 48), strike "Section 28.0212(g)" and substitute "Sections 28.0212(e) and (g)".

(8) Renumber SECTIONS of the bill accordingly.

The amendment to **CSHB 5** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 13.

Senator Patrick again offered the following amendment to the bill:

Floor Amendment No. 6

Amend **CSHB 5** (senate committee printing) as follows:

(1) Strike SECTION 18 of the bill (page 12, lines 20 through 25).

(2) Strike SECTION 19 of the bill (page 12, lines 26 through 56).

(3) In SECTION 66(a) of the bill, strike Subdivision (1) repealing Sections 29.190(b) and (e), Education Code (page 34, line 38), and renumber subsequent subdivisions of SECTION 66(a) accordingly.

The amendment to **CSHB 5** was again read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 6.

Senator Uresti offered the following amendment to the bill:

Floor Amendment No. 14

Amend **CSHB 5** (senate committee printing) as follows:

(1) In SECTION 7 of the bill, adding Section 28.00222, Education Code (page 3, line 46), strike "CAREER AND TECHNOLOGY EDUCATION" and substitute "ADVANCED TECHNOLOGY AND CAREER-RELATED".

(2) In SECTION 7 of the bill, adding Section 28.00222(a), Education Code (page 3, line 49), between "education" and "courses", insert "or technology applications".

(3) In SECTION 7 of the bill, adding Section 28.00222(b), Education Code (page 3, line 58), between "education" and "curriculum", insert "or technology applications".

(4) In SECTION 12 of the bill, adding Section 28.025(b-12), Education Code (page 9, line 1), between "education" and "or", insert ", technology applications".

(5) In SECTION 12 of the bill, adding Section 28.025(c-1)(1)(D), Education Code (page 9, line 24), between "education" and the semicolon, insert "or technology applications".

(6) In SECTION 12 of the bill, adding Section 28.025(c-1)(2)(C), Education Code (page 9, line 33), between "education" and the semicolon, insert "or technology applications".

(7) In SECTION 12 of the bill, adding Section 28.025(c-1)(3)(C), Education Code (page 9, line 42), between "education" and the semicolon, insert "or technology applications".

(8) In SECTION 57 of the bill, amending Section 56.3041(a)(2)(A)(iv), Education Code (page 30, line 41), before "course", insert "or technology applications".

(9) In SECTION 64 of the bill, amending Section 78.10(b)(1)(B), Education Code (page 33, line 46), between "critical" and "thinking", insert "and computational".

The amendment to **CSHB 5** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 14.

Senator Estes offered the following amendment to the bill:

Floor Amendment No. 15

Amend **CSHB 5** (senate committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. (a) Subchapter Z, Chapter 25, Education Code, is amended by adding Section 25.902 to read as follows:

Sec. 25.902. CERTAIN MANDATORY STUDENT IDENTIFICATION METHODS PROHIBITED. (a) In this section, "radio frequency identification technology" means a wireless identification system that uses a battery or other active

power source to broadcast a constant electromagnetic radio frequency signal to transmit data without physical contact between a card, badge, or tag and another device.

(b) Except as provided by Subsection (c), a school district may require a student to use an identification device that uses radio frequency identification technology or similar technology to identify the student, transmit information regarding the student, or track the location of the student only if authorized by resolution adopted by the board of trustees of the district.

(c) On the timely written request of a student's parent or guardian, a school district shall permit the student to opt out of use of an identification device described by Subsection (b). If a student's parent or guardian requests that the student opt out of the use of the device, the district shall provide an alternative method of identification for the student.

(d) A school district may not penalize a student using an alternative method of identification under Subsection (c), including restricting or prohibiting the student from participating in school or district activities.

(b) This section applies beginning with the 2013-2014 school year.

ESTES
PAXTON

The amendment to **CSHB 5** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 15.

Senator West offered the following amendment to the bill:

Floor Amendment No. 16

Amend **CSHB 5** (senate committee printing) in SECTION 9 of the bill as follows:

(1) In the recital to amended Section 28.0211, Education Code (page 5, line 26), strike "Section 28.0211(m), Education Code, is amended" and substitute "Section 28.0211, Education Code, is amended by amending Subsection (m) and adding Subsections (m-1) and (m-2)".

(2) Strike amended Section 28.0211(m), Education Code (page 5, lines 28-38), and substitute the following:

(m) The commissioner shall certify, not later than July 1 of each school year or as soon as practicable thereafter, whether sufficient funds have been appropriated statewide for the purposes of this section and Section 28.0217. A determination by the commissioner is final and may not be appealed. For purposes of certification, the commissioner shall consider:

(1) the average cost per student per assessment instrument administration;

(2) the number of students that require accelerated instruction because the student failed to perform satisfactorily on an assessment instrument;

(3) whether sufficient funds have been appropriated to provide support to students in grades three through 12 identified as being at risk of dropping out of school, as defined in Section 29.081(d); and

(4) whether sufficient funds have been appropriated to provide instructional materials that are aligned with the assessment instruments under Sections 39.023(a) and (c).

(m-1) For purposes of certification under Subsection (m), the commissioner may not consider Foundation School Program funds. This section may be implemented only if the commissioner certifies that sufficient funds have been appropriated during a school year for administering the accelerated instruction programs specified under this section and Section 28.0217, including teacher training for that purpose.

(m-2) For each school year for which the commissioner does not certify that sufficient funds have been appropriated statewide for purposes of this section and Section 28.0217, the commissioner shall suspend the assignment of performance ratings for campuses under Section 39.054.

The amendment to **CSHB 5** was read and was adopted by the following vote: Yeas 16, Nays 15.

Yeas: Carona, Davis, Ellis, Eltife, Garcia, Hinojosa, Huffman, Lucio, Patrick, Rodriguez, Seliger, Uresti, Van de Putte, Watson, West, Whitmire.

Nays: Birdwell, Campbell, Deuell, Duncan, Estes, Fraser, Hancock, Hegar, Nelson, Nichols, Paxton, Schwertner, Taylor, Williams, Zaffirini.

Senator Van de Putte offered the following amendment to the bill:

Floor Amendment No. 17

Amend **CSHB 5** (senate committee printing), Section 28.025, On page 6, line 6-49, strike "may" and substitute "shall"

The amendment to **CSHB 5** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 17.

Senator Seliger offered the following amendment to the bill:

Floor Amendment No. 18

Amend **CSHB 5** (senate committee printing) as follows:

(1) Between SECTION 13 of the bill, amending Section 28.0253(e), Education Code and SECTION 14 of the bill, amending Sections 28.027(a) and (b), Education Code (page 10, between lines 52 and 53), insert an appropriately numbered new SECTION to read as follows:

SECTION _____. (a) Section 28.026, Education Code, is amended to read as follows:

Sec. 28.026. NOTICE OF REQUIREMENTS FOR AUTOMATIC COLLEGE ADMISSION AND FINANCIAL AID. (a) The board of trustees of a school district and the governing body of each open-enrollment charter school that provides a high school shall require each high school in the district or provided by the charter school, as applicable, to post appropriate signs in each counselor's office, in each principal's office, and in each administrative building indicating the substance of Section 51.803

regarding automatic college admission and stating the curriculum requirements for financial aid authorized under Title 3. To assist in the dissemination of that ~~that~~ information, the ~~school~~ district or charter school shall:

(1) require that each high school counselor and class advisor be provided a detailed explanation of the substance of Section 51.803 and the curriculum requirements for financial aid authorized under Title 3;

(2) provide each district or school student, at the time the student first registers for one or more classes required for high school graduation, with a written notification, including a detailed explanation in plain language, of the substance of Section 51.803, the curriculum requirements for financial aid authorized under Title 3, and the benefits of completing the requirements for that automatic admission and financial aid;

(3) require that each high school counselor and senior class advisor explain to eligible students the substance of Section 51.803; and

(4) not later than the 14th day after the last day of classes for the fall semester or an equivalent date in the case of a school operated on a year-round system under Section 25.084, provide each ~~eligible~~ senior student eligible under Section 51.803 and each student enrolled in the junior year of high school who has a grade point average in the top 10 percent of the student's high school class, and the student's parent or guardian, with a written notification of the student's eligibility with a detailed explanation in plain language of the substance of Section 51.803.

(b) The commissioner shall adopt forms, including specific language, to use in providing notice under Subsections (a)(2) and (4). In providing notice under Subsection (a)(2) or (4), a school district or open-enrollment charter school shall use the appropriate form adopted by the commissioner. The notice to a student and the student's parent or guardian under Subsections (a)(2) and [Subsection] (a)(4) must be on a single form that contains ~~may contain one or more~~ signature lines to indicate receipt of notice by the student and [or] the student's parent or guardian. The notice under Subsection (a)(2) must be signed by the student's counselor in addition to being signed by the student and the student's parent or guardian.

(b) This section applies beginning with the 2014-2015 school year.

(2) In SECTION 53 of the bill, strike amended Sections 51.803(a), (b), and (d), Education Code, and added Section 51.803(m), Education Code (page 28, line 18, through page 29, line 10), and substitute the following:

(a) Subject to Subsection (a-1), each general academic teaching institution shall admit an applicant for admission to the institution as an undergraduate student if the applicant graduated with a grade point average in the top 10 percent of the student's high school graduating class in one of the two school years preceding the academic year for which the applicant is applying for admission and:

(1) the applicant graduated from a public or private high school in this state accredited by a generally recognized accrediting organization or from a high school operated by the United States Department of Defense;

(2) the applicant:

(A) successfully completed:

(i) at a public high school, the curriculum requirements established under Section 28.025 for the foundation ~~[recommended or advanced]~~ high school program plus one additional science credit and one additional mathematics credit, which must be an Algebra II credit if an Algebra II credit is not used to satisfy the curriculum requirements for the foundation high school program; or

(ii) at a high school to which Section 28.025 does not apply, a curriculum that is equivalent in content and rigor to the curriculum prescribed by Subparagraph (i) ~~[recommended or advanced high school program]~~; or

(B) satisfied ACT's College Readiness Benchmarks on the ACT assessment applicable to the applicant or earned on the SAT assessment a score of at least 1,500 out of 2,400 or the equivalent; and

(3) if the applicant graduated from a high school operated by the United States Department of Defense, the applicant is a Texas resident under Section 54.052 or is entitled to pay tuition fees at the rate provided for Texas residents under Section 54.241(d) ~~[54.058(d)]~~ for the term or semester to which admitted.

(b) An applicant who does not satisfy the curriculum requirements prescribed by Subsection (a)(2)(A)(i) or (ii) is considered to have satisfied those requirements if the student completed the portion of the ~~[recommended or advanced]~~ curriculum requirements prescribed by Subsection (a)(2)(A)(i) or (ii) ~~[or of the curriculum equivalent in content and rigor]~~, as applicable, that was available to the student but was unable to complete the remainder of the curriculum solely because courses necessary to complete the remainder were unavailable to the student at the appropriate times in the student's high school career as a result of course scheduling, lack of enrollment capacity, or another cause not within the student's control.

(d) For purposes of Subsection (c)(2), a student's official transcript or diploma must, not later than the end of the student's junior year, indicate:

(1) whether the student has satisfied or is on schedule to satisfy the curriculum requirements prescribed by ~~[of]~~ Subsection (a)(2)(A)(i) or (ii), as applicable; or

(2) if Subsection (b) applies to the student, whether the student has completed the portion of the ~~[recommended or advanced]~~ curriculum requirements prescribed by Subsection (a)(2)(A)(i) or (ii) ~~[or of the curriculum equivalent in content and rigor]~~, as applicable, that was available to the student.

(m) The Texas Higher Education Coordinating Board and the commissioner of education shall jointly adopt rules to establish eligibility requirements for admission under this section as to the curriculum for high school graduation under Subsections (a)(2)(A) and (b) for students participating in the recommended or advanced high school program so that the admission of those students under this section is not affected by their participation in the recommended or advanced high school program. This subsection expires September 1, 2020.

(3) In SECTION 54 of the bill, strike added Section 51.805(g), Education Code (page 29, lines 33-39), and substitute the following:

(g) The Texas Higher Education Coordinating Board and the commissioner of education shall jointly adopt rules to establish eligibility requirements for admission under this section as to the curriculum for high school graduation under Subsection (a)(1) for students participating in the minimum, recommended, or advanced high

school program so that the admission requirements for those students under this section are not more stringent than the admission requirements under this section for students participating in the foundation high school program. This subsection expires September 1, 2020.

(4) In SECTION 55 of the bill, amending Section 51.807(b), Education Code (page 29, lines 52-54), strike "or under Section 28.025(c-1)(4) for a distinguished achievement endorsement, as applicable".

(5) In SECTION 56 of the bill, strike added Section 56.009, Education Code (page 29, lines 59-69), and substitute the following:

Sec. 56.009. ELIGIBILITY FOR FINANCIAL AID BASED ON GRADUATION UNDER CERTAIN HIGH SCHOOL PROGRAMS. (a) Notwithstanding any other provision of this title, to the extent that a person's eligibility to receive financial aid, including a grant, scholarship, or loan, authorized under this chapter or under any other provision of this title, is contingent on graduation under the recommended or advanced high school program, as those programs existed before the adoption of H.B. No. 5, 83rd Legislature, Regular Session, 2013, the Texas Higher Education Coordinating Board and the commissioner of education shall jointly adopt rules to modify affected eligibility requirements regarding completion of any specific high school programs to require successful completion of the foundation high school program under Section 28.025 plus successful completion of one additional science course and one additional mathematics course, which must be an Algebra II course if an Algebra II course is not used to complete the foundation high school program.

(b) For purposes of Subsection (a), a student who graduated under the recommended or advanced high school program is considered to have successfully completed the curriculum required under Subsection (a), including the additional courses required under that subsection. This subsection expires September 1, 2020.

(6) In SECTION 57 of the bill, in amended Section 56.3041(a)(2)(A), Education Code (page 30, lines 16-18), strike "foundation [recommended] high school program established under Section 28.025 or its equivalent" and substitute "curriculum requirements prescribed by Section 51.803(a)(2)(A)(i) or (ii), as applicable, [recommended high school program established under Section 28.025 or its equivalent]".

(7) In SECTION 57 of the bill, strike added Section 56.3041(b), Education Code (page 31, lines 4-10), and substitute the following:

(b) For purposes of Subsection (a)(2)(A), a student who graduated under the recommended or advanced high school program is considered to have successfully completed the curriculum requirements prescribed by Section 51.803(a)(2)(A)(i). This subsection expires September 1, 2020.

(8) Renumber SECTIONS of the bill appropriately.

SELIGER
WEST

The amendment to **CSHB 5** was read.

Senator Davis offered the following amendment to Floor Amendment No. 18:

Floor Amendment No. 19

Amend Floor Amendment No. 18 by Seliger to **CSHB 5**, on page 3, line 19 and on page 6, line 9, by inserting after "program" the phrase "or the commissioner may approve a locally developed Algebra II equivalent for credit for high school graduation."

WEST

DAVIS

The amendment to Floor Amendment No. 18 to **CSHB 5** was read and was adopted by the following vote: Yeas 25, Nays 6.

Yeas: Campbell, Carona, Davis, Deuell, Ellis, Eltife, Estes, Garcia, Hegar, Hinojosa, Huffman, Lucio, Nelson, Nichols, Patrick, Rodríguez, Seliger, Taylor, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Birdwell, Duncan, Fraser, Hancock, Paxton, Schwertner.

Question recurring on the adoption of Floor Amendment No. 18 to **CSHB 5**, the amendment as amended was adopted by the following vote: Yeas 23, Nays 8.

Yeas: Campbell, Carona, Davis, Duncan, Ellis, Eltife, Estes, Garcia, Hegar, Hinojosa, Huffman, Lucio, Nichols, Patrick, Rodríguez, Seliger, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Birdwell, Deuell, Fraser, Hancock, Nelson, Paxton, Schwertner, Taylor.

Senator Van de Putte offered the following amendment to the bill:

Floor Amendment No. 20

Amend **CSHB 5**, Section 28.025, page 6, line 6-49, after "earn." Insert the following and adjust accordingly:

Should a student elect the business and industry endorsement under (c-1)(1), the student shall be informed of the following at that time of the election: "In electing this endorsement you should know that in order to be eligible for Top Ten percent admissions, you must successfully complete Algebra II. This endorsement does not require Algebra II. In order to be eligible you must elect Algebra II as one of your math requirements."

The amendment to **CSHB 5** was read.

Senator Van de Putte temporarily withdrew Floor Amendment No. 20.

Senator Van de Putte offered the following amendment to the bill:

Floor Amendment No. 21

Amend **CSHB 5** (senate committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS accordingly:

SECTION _____. (a) Subchapter B, Chapter 28, Education Code, is amended by adding Section 28.0256 to read as follows:

Sec. 28.0256. TEXAS STATE SEAL OF BILINGUALISM AND BILITERACY. (a) In this section, "seal" means the Texas State Seal of Bilingualism and Biliteracy established under Subsection (b).

(b) The agency shall establish a seal to recognize high school graduates who have attained a high level of proficiency in comprehending, speaking, reading, and writing in both English and a language other than English.

(c) The agency shall:

(1) determine minimum requirements for earning the seal; and

(2) prepare and deliver to a participating school district an insignia that can be affixed or stamped on the diploma or transcript of a student who has satisfied requirements for earning the seal.

(d) The board of trustees of a school district may choose whether to offer the seal to students who satisfy the requirements for earning the seal as determined by the agency.

(e) Each school district that offers the seal to an eligible student shall:

(1) maintain appropriate records to identify students who have earned the seal; and

(2) affix the seal's insignia to the diploma or transcript of each student who has satisfied requirements for earning the seal.

(b) This section applies beginning with the 2013-2014 school year.

The amendment to **CSHB 5** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 21 except as follows:

Nays: Birdwell, Nelson.

Senator Seliger offered the following amendment to the bill:

Floor Amendment No. 22

Amend **CSHB 5** (Senate Committee Printing) by adding the following SECTION and renumbering subsequent SECTIONS accordingly:

SECTION _____. Section 31.0215, Education Code. INSTRUCTIONAL MATERIAL ALLOTMENT PURCHASES.

(a) The commissioner shall, as soon as practicable, notify each school district and open-enrollment charter of an estimated amount to which the district or charter would be entitled under Section 31.0211 during the next fiscal year.

(b) The commissioner may allow school districts and open enrollment charter schools to place orders for instructional materials prior to the beginning of a fiscal year and to receive instructional materials prior to payment. The commissioner shall limit orders placed under this section to eighty per cent of the estimated amount to which a district or open-enrollment charter would be entitled and shall first credit any balance in a district or charter school instructional materials account to pay for orders under this section. The commissioner shall make payments of orders placed under this section as funds become available to the instructional materials fund and shall prioritize orders placed under this section over reimbursement of purchases made directly by a district or charter.

(c) The commissioner shall ensure that publishers of instructional materials are informed of any potential delay in payment and that payment is subject to the availability of appropriated funds. A publisher may decline to accept an order placed under this section.

(d) The commissioner may make rules to implement this section. Chapter 2251, Government Code, does not apply to purchases of instructional materials under this section.

The amendment to **CSHB 5** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 22.

Senator Van de Putte offered the following amendment to the bill:

Floor Amendment No. 23

Amend **CSHB 5** (senate committee printing) as follows:

Insert the following appropriately numbered SECTION to the bill and renumber subsequent SECTIONS accordingly:

SECTION __. Subchapter C, Chapter 39, Education Code, is amended by adding Section 39.0542 to read as follows:

Sec. 39.0542. STANDARDS FOR EVALUATING DROPOUT RECOVERY SCHOOLS. (a) For purposes of evaluating performance under Section 39.053(c), the commissioner shall designate as a dropout recovery school a school district or an open-enrollment charter school or a campus of a district or of an open-enrollment charter school:

(1) that serves students in grades 9 through 12 and has an enrollment of which at least 50 percent of the students are 17 years of age or older as of September 1 of the school year as reported for the fall semester Public Education Information Management System (PEIMS) submission; and

(2) that meets the eligibility requirements for and is registered under alternative education accountability procedures adopted by the commissioner.

(b) Notwithstanding Section 39.053(c)(2), the commissioner shall use the alternative completion rate under this subsection to determine the student achievement indicator under Section 39.053(c)(2) for a dropout recovery school. The alternative completion rate shall be the ratio of the total number of students who graduate, continue attending school into the next academic year, or receive a high school equivalency certificate to the total number of students in the longitudinal cohort of students.

(c) Notwithstanding Section 39.053(c)(2), in determining the performance rating under Section 39.054 of a dropout recovery school, the commissioner shall include any student described by Section 39.053(g-1) who graduates or receives a high school equivalency certificate.

(d) For a dropout recovery school, only the best result from the primary administration and any retake of an assessment instrument administered to a student in the school year evaluated under the accountability procedures adopted by the commissioner may be considered in determining the performance rating of the school under Section 39.054.

The amendment to **CSHB 5** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 23.

Senator Davis offered the following amendment to the bill:

Floor Amendment No. 24

Amend **CSHB 5** (senate committee printing) as follows:

(1) In the recital to SECTION 26(a) of the bill, amending Section 39.023, Education Code (page 14, line 69), between "Subsections" and "(b)", insert "(a),".

(2) In SECTION 26(a) of the bill, amending Section 39.023, Education Code (page 15, between lines 1 and 2), insert the following:

(a) The agency shall adopt or develop appropriate criterion-referenced assessment instruments. Those assessment instruments may be used only for purposes for which the assessment instruments are designed and for which it has been empirically established the assessment instruments are valid and reliable, including to assess student understanding of essential knowledge and skills in reading, writing, mathematics, social studies, and science. Except as provided by Subsection (a-2), all students, other than students assessed under Subsection (b) or (l) or exempted under Section 39.027, shall be assessed in:

(1) mathematics, annually in grades three through seven without the aid of technology and in grade eight with the aid of technology on any assessment instrument that includes algebra;

(2) reading, annually in grades three through eight;

(3) writing, including spelling and grammar, in grades four and seven;

(4) social studies, in grade eight;

(5) science, in grades five and eight; and

(6) any other subject and grade required by federal law.

The amendment to **CSHB 5** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 24.

Senator Williams offered the following amendment to the bill:

Floor Amendment No. 25

Amend **CSHB 5** (senate committee report) as follows:

(1) Add the following appropriately numbered SECTION to the bill:

SECTION _____. Subchapter B, Chapter 39, Education Code, is amended by adding Section 39.0238 to read as follows:

Sec. 39.0238. ADOPTION AND ADMINISTRATION OF POSTSECONDARY READINESS ASSESSMENT INSTRUMENTS. (a) In addition to other assessment instruments adopted and developed under this subchapter, the agency shall adopt or develop appropriate postsecondary readiness assessment instruments for Algebra II and English III that a school district may administer at the district's option.

(b) To the extent practicable, the agency shall ensure that each postsecondary readiness assessment instrument:

(1) assesses essential knowledge and skills and growth;

(2) is developed in a manner that measures a student's performance under the college readiness standards established under Section 28.008; and

(3) is validated by national postsecondary education experts for college readiness content and performance standards.

(c) In adopting a schedule for the administration of postsecondary readiness assessment instruments under this section, the State Board of Education shall require the annual administration of the postsecondary readiness assessment instruments to occur not earlier than the second full week in May.

(d) The agency shall adopt a policy requiring each school district that elects to administer postsecondary readiness assessment instruments under Subsection (a) to annually:

(1) administer the applicable postsecondary readiness assessment instrument to each student enrolled in a course for which a postsecondary readiness assessment instrument is adopted or developed under Subsection (a), including applied Algebra II; and

(2) report the results of the postsecondary readiness assessment instruments to the agency.

(e) The agency shall annually deliver a report to the governor, the lieutenant governor, the speaker of the house of representatives, and the presiding officers of the standing committees of the legislature with jurisdiction over public education. The report must include a summary of student performance on the preceding year's postsecondary readiness assessment instruments.

(f) The results of a postsecondary readiness assessment instrument administered under this section shall not be used by:

(1) the agency for accountability purposes for a school campus or school district;

(2) a school district for teacher evaluation purposes; or

(3) an institution of higher education for admission purposes.

(g) The agency shall acknowledge a school district that elects to administer the postsecondary readiness assessment instruments as provided by Subsection (a).

(2) In SECTION 52 of the bill, in the recital (page 27, line 61), strike "Subsection (i)" and substitute "Subsections (i) and (q-1)".

(3) In SECTION 52 of the bill, in amended Section 51.3062, Education Code (page 28, between lines 6 and 7), insert the following:

(q-1) A student who has ~~completed a recommended or advanced high school program as determined under Section 28.025 and~~ demonstrated the performance standard for college readiness as provided by Section 39.024 on the postsecondary readiness assessment instruments adopted under Section 39.0238 for Algebra II and English III ~~[end of course assessment instruments]~~ is exempt from the requirements of this section with respect to those content areas. The commissioner of higher education by rule shall establish the period for which an exemption under this subsection is valid.

(4) In SECTION 57 of the bill, in amended Section 56.3041(a)(2)(A)(ii), Education Code (page 30, line 32), strike "or[(;) (q)]~~, or (q-1)]~~" and substitute ", (q), or (q-1)".

(5) In SECTION 66 of the bill, at the end of Subsection (a)(4), repealing Section 39.0242, Education Code (page 34, line 42), insert "and".

(6) In SECTION 66 of the bill, in Subsection (a)(5), repealing Sections 39.025(a-3) and (b-2), Education Code (page 34, line 43), strike "; and" and insert a period.

(7) In SECTION 66 of the bill, strike Subsection (a)(6), repealing Section 51.3062(q-1), Education Code (page 34, line 44).

(8) Renumber SECTIONS of the bill accordingly.

The amendment to **CSHB 5** was read.

Senator Van de Putte offered the following amendment to Floor Amendment No. 25:

Floor Amendment No. 26

Amend Floor Amendment No. 25 by Williams to **CSHB 5** (senate committee report), Section 39.0238, as follows:

On page 2, line 20, strike subsection (f)(2) and (3) and substitute the following:

(2) A school district:

(a) for the purpose of teacher evaluations, or

(b) in determining a student's final course grade or determining a student's class rank for the purpose of high school graduation.

(3) an institution of higher education:

(a) for admission purposes, or

(b) to determine eligibility for a TEXAS grant.

The amendment to Floor Amendment No. 25 to **CSHB 5** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 26 except as follows:

Nays: Birdwell.

Question recurring on the adoption of Floor Amendment No. 25 to **CSHB 5**, Senator Williams temporarily withdrew Floor Amendment No. 25 as amended.

Senator Seliger offered the following amendment to the bill:

Floor Amendment No. 27

Amend **CSHB 5** (senate committee printing) as follows:

(1) In SECTION 12 of the bill, in amended Section 28.025(b-1)(5), Education Code (page 7, lines 31-32), strike "or, at the option of the student, two credits in computer programming".

(2) In SECTION 12 of the bill, in added Section 28.025(c-1)(4)(B)(iv), Education Code (page 9, lines 60-63), strike "or one additional credit in computer programming if the student earned two credits in computer programming for purposes of Subsection (b-1)(5), as applicable".

(Senator Eltife in Chair)

The amendment to **CSHB 5** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 27 except as follows:

Nays: Nelson.

The Presiding Officer announced that Senator Van de Putte withdrew Floor Amendment No. 20.

(President in Chair)

Senator Van de Putte offered the following amendment to the bill:

Floor Amendment No. 28

Amend **CSHB 5**, Section 28.025, page 6, line 6-49, after "earn." Insert the following and adjust accordingly:

Should a student elect the business and industry endorsement under (c-1)(1), the student shall be informed of the following at that time of the election: "In electing this endorsement you should know that in order to be eligible for Top Ten percent admissions, you must successfully complete Algebra II or a locally developed Algebra II equivalent. This endorsement does not require Algebra II or a locally developed Algebra II equivalent. In order to be eligible you must elect Algebra II or a locally developed Algebra II equivalent as one of your math requirements."

The amendment to **CSHB 5** was read.

Senator Patrick moved to table Floor Amendment No. 28.

Senator Patrick withdrew the motion to table Floor Amendment No. 28.

Question recurring on the adoption of Floor Amendment No. 28 to **CSHB 5**, Senator Van de Putte withdrew Floor Amendment No. 28.

Senator Williams again offered the following amendment to the bill. The amendment was previously amended by Floor Amendment No. 26 and temporarily withdrawn:

Floor Amendment No. 25

Amend **CSHB 5** (senate committee report) as follows:

(1) Add the following appropriately numbered SECTION to the bill:

SECTION _____. Subchapter B, Chapter 39, Education Code, is amended by adding Section 39.0238 to read as follows:

Sec. 39.0238. ADOPTION AND ADMINISTRATION OF POSTSECONDARY READINESS ASSESSMENT INSTRUMENTS. (a) In addition to other assessment instruments adopted and developed under this subchapter, the agency shall adopt or develop appropriate postsecondary readiness assessment instruments for Algebra II and English III that a school district may administer at the district's option.

(b) To the extent practicable, the agency shall ensure that each postsecondary readiness assessment instrument:

(1) assesses essential knowledge and skills and growth;

(2) is developed in a manner that measures a student's performance under the college readiness standards established under Section 28.008; and

(3) is validated by national postsecondary education experts for college readiness content and performance standards.

(c) In adopting a schedule for the administration of postsecondary readiness assessment instruments under this section, the State Board of Education shall require the annual administration of the postsecondary readiness assessment instruments to occur not earlier than the second full week in May.

(d) The agency shall adopt a policy requiring each school district that elects to administer postsecondary readiness assessment instruments under Subsection (a) to annually:

(1) administer the applicable postsecondary readiness assessment instrument to each student enrolled in a course for which a postsecondary readiness assessment instrument is adopted or developed under Subsection (a), including applied Algebra II; and

(2) report the results of the postsecondary readiness assessment instruments to the agency.

(e) The agency shall annually deliver a report to the governor, the lieutenant governor, the speaker of the house of representatives, and the presiding officers of the standing committees of the legislature with jurisdiction over public education. The report must include a summary of student performance on the preceding year's postsecondary readiness assessment instruments.

(f) The results of a postsecondary readiness assessment instrument administered under this section shall not be used by:

(1) the agency for accountability purposes for a school campus or school district;

(2) a school district for teacher evaluation purposes; or

(3) an institution of higher education for admission purposes.

(g) The agency shall acknowledge a school district that elects to administer the postsecondary readiness assessment instruments as provided by Subsection (a).

(2) In SECTION 52 of the bill, in the recital (page 27, line 61), strike "Subsection (i)" and substitute "Subsections (i) and (q-1)".

(3) In SECTION 52 of the bill, in amended Section 51.3062, Education Code (page 28, between lines 6 and 7), insert the following:

(q-1) A student who has ~~[completed a recommended or advanced high school program as determined under Section 28.025 and]~~ demonstrated the performance standard for college readiness as provided by Section 39.024 on the postsecondary readiness assessment instruments adopted under Section 39.0238 for Algebra II and English III ~~[end of course assessment instruments]~~ is exempt from the requirements of this section with respect to those content areas. The commissioner of higher education by rule shall establish the period for which an exemption under this subsection is valid.

(4) In SECTION 57 of the bill, in amended Section 56.3041(a)(2)(A)(ii), Education Code (page 30, line 32), strike "or[(;) (q)]~~[- or (q-1)]~~" and substitute ", (q), or (q-1)".

(5) In SECTION 66 of the bill, at the end of Subsection (a)(4), repealing Section 39.0242, Education Code (page 34, line 42), insert "and".

(6) In SECTION 66 of the bill, in Subsection (a)(5), repealing Sections 39.025(a-3) and (b-2), Education Code (page 34, line 43), strike "; and" and insert a period.

(7) In SECTION 66 of the bill, strike Subsection (a)(6), repealing Section 51.3062(q-1), Education Code (page 34, line 44).

(8) Renumber SECTIONS of the bill accordingly.

The amendment to **CSHB 5** was again read.

Senator Patrick offered the following amendment to Floor Amendment No. 25:

Floor Amendment No. 29

Amend Floor Amendment No. 25 by Williams to **CSHB 5** in proposed Section 39.0238, Education Code (page 2, between lines 23 and 24 of the amendment) by inserting the following:

(f-1) A school district may not administer an additional benchmark assessment instrument solely for the purpose of preparing for a postsecondary readiness assessment instrument administered under this section. In this subsection, "benchmark assessment instrument" means a district-required assessment designed to prepare students for a postsecondary readiness assessment instrument administered under this section.

The amendment to Floor Amendment No. 25 to **CSHB 5** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 29.

Question recurring on the adoption of Floor Amendment No. 25 to **CSHB 5**, the amendment as again amended was adopted by the following vote: Yeas 22, Nays 9.

Yeas: Campbell, Carona, Deuell, Duncan, Eltife, Estes, Garcia, Hancock, Hegar, Hinojosa, Nelson, Patrick, Paxton, Rodríguez, Schwertner, Seliger, Taylor, Uresti, Van de Putte, West, Whitmire, Williams.

Nays: Birdwell, Davis, Ellis, Fraser, Huffman, Lucio, Nichols, Watson, Zaffirini.

On motion of Senator Patrick and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSHB 5 as amended was passed to third reading by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
HOUSE BILL 5 ON THIRD READING**

Senator Patrick moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 5** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

REMARKS ORDERED PRINTED

On motion of Senator West and by unanimous consent, the remarks by Senators Patrick and West regarding **CSHB 5** were ordered reduced to writing and printed in the *Senate Journal* as follows:

Senator West: Senator Patrick, we have an agreement, and I just want to make certain that we verify that agreement and we spread it on the Journal. This is a letter that you have authored that says, "I agree to not accept any other amendments on the top ten percent issue and the A-F issue. I will also keep these amendments through the conference committee process." And it's signed by Dan Patrick. Is that correct?

Senator Patrick: Yes. I was going to wear three pairs of suspenders today, just in case, but we're good.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Monday, May 6, 2013 - 3

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

I am directed by the house to inform the senate that the house has taken the following action:

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

HB 78

Simpson

Relating to the exemption from the sales and use tax for certain coins and precious metals.

HB 698

Springer

Relating to certain procedures for submitting legible and classifiable fingerprints with an application for a license to carry a concealed handgun.

HB 970

Rodriguez, Eddie

Relating to regulation of cottage food products and cottage food production operations.

HB 1349

Larson

Relating to information that may be requested by the Department of Public Safety from a person applying for or renewing a concealed handgun license.

HB 1421

Perry

Relating to the disposition of certain seized weapons.

HB 1913

Bohac

Relating to the waiver of penalties and interest on certain delinquent ad valorem taxes.

HB 2072

Rodriguez, Eddie

Relating to services for persons who are deaf or hard of hearing and licensing requirements for interpreters for persons who are deaf or hard of hearing; providing an administrative penalty; requiring a fee and changing the rate of a fee.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

**COMMITTEE SUBSTITUTE
HOUSE BILL 1994 ON SECOND READING**

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 1994** at this time on its second reading:

CSHB 1994, Relating to the purchase of certain commodity items by a state agency.

The bill was read second time and was passed to third reading by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to third reading.

**COMMITTEE SUBSTITUTE
HOUSE BILL 1994 ON THIRD READING**

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 1994** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL ON FIRST READING

The following bill was introduced, read first time, and referred to the committee indicated:

SB 1920 by Hinojosa

Relating to the creation of the Hidalgo County Hospital District; granting the authority to impose a tax and issue bonds; granting the power of eminent domain.

To Committee on Intergovernmental Relations.

HOUSE BILLS AND RESOLUTIONS ON FIRST READING

The following bills and resolutions received from the House were read first time and referred to the committees indicated:

HB 29 to Committee on Higher Education.

HB 124 to Committee on Criminal Justice.

HB 294 to Committee on Finance.

HB 693 to Committee on Natural Resources.
HB 800 to Committee on Finance.
HB 812 to Committee on State Affairs.
HB 843 to Committee on Jurisprudence.
HB 955 to Committee on Criminal Justice.
HB 1044 to Committee on Transportation.
HB 1079 to Committee on Natural Resources.
HB 1376 to Committee on Health and Human Services.
HB 1448 to Committee on Jurisprudence.
HB 1492 to Committee on Intergovernmental Relations.
HB 1506 to Committee on Intergovernmental Relations.
HB 1520 to Committee on State Affairs.
HB 1563 to Committee on Natural Resources.
HB 1586 to Committee on Intergovernmental Relations.
HB 1800 to Committee on Intergovernmental Relations.
HB 1803 to Committee on Health and Human Services.
HB 2112 to Committee on Intergovernmental Relations.
HB 2293 to Committee on Transportation.
HB 2407 to Committee on Criminal Justice.
HB 2409 to Committee on Jurisprudence.
HB 2424 to Committee on Transportation.
HB 2454 to Committee on Intergovernmental Relations.
HB 2509 to Committee on Intergovernmental Relations.
HB 2549 to Committee on Education.
HB 2550 to Committee on Higher Education.
HB 2874 to Committee on Transportation.
HB 2918 to Committee on Jurisprudence.
HB 2947 to Committee on Transportation.
HB 3070 to Committee on Transportation.
HB 3106 to Committee on Business and Commerce.
HB 3116 to Committee on Government Organization.
HB 3209 to Committee on Administration.
HB 3212 to Committee on Natural Resources.
HB 3413 to Committee on Transportation.
HB 3567 to Committee on Agriculture, Rural Affairs and Homeland Security.
HB 3659 to Committee on Higher Education.
HB 3677 to Committee on Transportation.
HB 3748 to Committee on Criminal Justice.
HB 3831 to Committee on Transportation.
HB 3925 to Committee on Intergovernmental Relations.
HB 3935 to Committee on Intergovernmental Relations.
HCR 41 to Committee on Administration.
HCR 51 to Committee on Administration.
HCR 62 to Committee on Administration.
HCR 68 to Committee on Administration.
HCR 71 to Committee on Intergovernmental Relations.

HCR 82 to Committee on Economic Development.

HCR 84 to Committee on Administration.

HCR 87 to Committee on Administration.

HCR 89 to Committee on Agriculture, Rural Affairs and Homeland Security.

HCR 96 to Committee on Administration.

BILLS SIGNED

The President announced the signing of the following enrolled bills in the presence of the Senate after the captions had been read:

SB 162, SB 276, SB 330, SB 334, SB 349, SB 366, SB 411, SB 458, SB 466, SB 471, SB 506, SB 595, SB 649, SB 655, SB 686, SB 733, SB 777, SB 795, SB 849, SB 852, SB 885, SB 902, SB 905, SB 920, SB 972, SB 1019, SB 1026, SB 1041, SB 1157, SB 1236, SB 1537.

COMMITTEE SUBSTITUTE SENATE BILL 1567 ON SECOND READING

On motion of Senator Davis and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 1567** at this time on its second reading:

CSSB 1567, Relating to coverage of certain persons under an automobile insurance policy.

The bill was read second time.

Senator Estes offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1567** (senate committee printing) in SECTION 1 of the bill, in added Section 1952.0545, Insurance Code, by inserting new Subsection (e) between lines 56 and 57, page 1, to read as follows:

(e) The agent or insurer shall require the applicant or insured to confirm contemporaneously in writing the provision of oral disclosure pursuant to Subsection (b).

The amendment to **CSSB 1567** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

On motion of Senator Davis and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 1567 as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 1567 ON THIRD READING

Senator Davis moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1567** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**SENATE RULES SUSPENDED
(Posting Rules)**

On motion of Senator Hegar and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Finance might meet and consider the following bills tomorrow: **SB 14, SB 1494, SB 1648.**

**SENATE RULE 11.10(a) SUSPENDED
(Public Notice of Committee Meetings)**

On motion of Senator Duncan and by unanimous consent, Senate Rule 11.10(a) was suspended in order that the Committee on State Affairs might meet today.

CO-AUTHOR OF SENATE BILL 101

On motion of Senator Patrick, Senator Campbell will be shown as Co-author of **SB 101.**

CO-AUTHOR OF SENATE BILL 140

On motion of Senator Ellis, Senator Garcia will be shown as Co-author of **SB 140.**

CO-AUTHOR OF SENATE JOINT RESOLUTION 10

On motion of Senator Patrick, Senator Campbell will be shown as Co-author of **SJR 10.**

CO-SPONSOR OF HOUSE BILL 5

On motion of Senator Patrick, Senator Schwertner will be shown as Co-sponsor of **HB 5.**

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 840 by Rodríguez, In memory of Paul Strelzin.

HCR 35 (Huffman), In memory of Sergeant Jimmie DeVeril Norman of the Bellaire Police Department.

Congratulatory Resolutions

SR 838 by Campbell, Recognizing the New Braunfels Regional Airport for receiving the 2013 General Aviation Airport of the Year award.

SR 839 by Eltife, Recognizing Fort Sherman in Titus County on the occasion of its 175th anniversary.

SR 841 by Nichols, Recognizing Bob McDonald for his stewardship of the Athens Cemetery.

SR 842 by Schwertner, Recognizing the HEARTS Veterans Museum of Texas.

SR 843 by Van de Putte, Recognizing Longfellow Middle School and Thomas Jefferson High School in San Antonio.

Official Designation Resolutions

SR 844 by Van de Putte, Recognizing May 18 through 24, 2013, as Safe Boating Week in Texas.

SR 845 by Taylor, Recognizing May 18 to 24, 2013, as National Safe Boating Week.

ADJOURNMENT

On motion of Senator Whitmire, the Senate at 5:54 p.m. adjourned, in memory of Ralph Harris Poteet and Jaime Padron, until 11:00 a.m. tomorrow.

APPENDIX

COMMITTEE REPORTS

The following committee reports were received by the Secretary of the Senate in the order listed:

May 6, 2013

BUSINESS AND COMMERCE — CSSB 241, CSSB 582

ADMINISTRATION — CSHB 1642, SB 1914, HCR 23, HCR 36, HB 419, HB 1553

HIGHER EDUCATION — CSSB 414, CSSB 1720

HEALTH AND HUMAN SERVICES — CSSB 191

STATE AFFAIRS — CSHB 630

HEALTH AND HUMAN SERVICES — CSSB 1150

BILLS ENGROSSED

May 3, 2013

SB 554, SB 883, SB 1322, SB 1392, SB 1413, SB 1439, SB 1555, SB 1900, SB 1901, SB 1902, SB 1903

BILLS AND RESOLUTIONS ENROLLED

May 3, 2013

SB 162, SB 276, SB 330, SB 334, SB 349, SB 366, SB 411, SB 458, SB 466, SB 471, SB 506, SB 595, SB 649, SB 655, SB 686, SB 733, SB 777, SB 795, SB 849, SB 852, SB 885, SB 902, SB 905, SB 920, SB 972, SB 1019, SB 1026, SB 1041, SB 1157, SB 1236, SB 1537, SR 768, SR 821, SR 822, SR 823, SR 824, SR 825, SR 826, SR 827, SR 828, SR 829, SR 830, SR 831, SR 832, SR 833, SR 834, SR 835

In Memory
of
Ralph Harris Poteet
Senate Resolution 836

WHEREAS, The Lone Star State lost a respected educator with the death of former Mesquite Independent School District superintendent Dr. Ralph Harris Poteet, who passed away on September 23, 2012, at the age of 86; and

WHEREAS, Born in Desdemona on July 12, 1926, to Sybil and William Poteet, Ralph Poteet attended Stephenville High School and graduated from Southwestern University in Georgetown; he served his country in World War II and continued his education with graduate studies at The University of Texas at Austin and The University of Texas at Arlington; he received his doctorate from East Texas State University; and

WHEREAS, Dr. Poteet began his career in education in Bartlett in 1949, serving as a teacher, coach, and principal; he moved to Mesquite in 1955 to work as the head football coach, and five years later he was appointed business manager for the district; he served as assistant superintendent before being named district superintendent in 1964; and

WHEREAS, For 22 years, Dr. Poteet oversaw the Mesquite Independent School District, ably guiding district schools through a period of significant growth; during his tenure, the district expanded to include 29 schools, and 30 new buildings were constructed on area campuses; Dr. Poteet was an energetic and visionary administrator who emphasized discipline and hard work, and he helped the district become one of the most innovative school systems in Texas, establishing the first public school radio station, along with a public school television station and a planetarium that were also among the earliest in the state; he also created a school-community partnership program that established a park along with each new school; and

WHEREAS, Dr. Poteet was recognized with numerous awards for his leadership, including a Texas Superintendent of the Year regional award, the National Leadership Award from the National School Development Council, and the Outstanding Leadership Award from Phi Delta Kappa International, and he was named Mesquite Citizen of the Year twice; for his retirement in 1986, President Ronald Reagan, Texas Governor Mark White, and many other elected officials sent congratulatory letters; moreover, a new high school, the fourth in the district, was named for him, and his initials of RHP inspired the school's motto, "Respect, Honor, and Pride"; and

WHEREAS, Following his retirement, Dr. Poteet continued to serve as a consultant with the district; he published articles on education in several magazines and served as an adjunct professor at East Texas State University; he further shared his time and talents as the chair of Keep Mesquite Beautiful,

as a director of the Dallas County Appraisal District and the Christian Care Center, and as a member of the local Lions Club and chamber of commerce and the North Texas Council of Governments; and

WHEREAS, A man of faith, Dr. Poteet belonged to the Church of Christ and served his congregation as a deacon and elder; in all of his endeavors, he enjoyed the love and support of his wife of 65 years, Anne Thomas Poteet, and he took great pride in their daughter, Carol Anne Tipton, and her husband, Steve, and in their grandsons, Casey, Jake, and Zach Tipton; and

WHEREAS, Deeply devoted to his family, his profession, and his community, Dr. Ralph Poteet made a positive difference in the lives of countless area Texans, and he leaves behind a legacy that will resonate for years to come; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 83rd Legislature, hereby pay tribute to the memory of Dr. Ralph Poteet and extend deepest sympathy to his friends and loved ones; and, be it further

RESOLVED, That a copy of this Resolution be prepared for his family, and that when the Texas Senate adjourns this day, it do so in memory of Dr. Ralph Poteet.

DEUELLE

In Memory
of
Jaime Padron

House Concurrent Resolution 85

WHEREAS, The citizens of Austin lost a courageous and admirable public servant with the death of senior police officer Jaime Padron, who was killed in the line of duty on April 6, 2012, at the age of 40; and

WHEREAS, The son of Juan and Zoila Padron, Jaime Padron was born on July 5, 1971, in San Angelo and was raised on the family's dairy farm in Knickerbocker; in 1989, he graduated from Christoval High School, where he played on the football team, and he joined the U.S. Marine Corps the following summer; he was deployed overseas during the Gulf War and won numerous awards and decorations for his exemplary service; and

WHEREAS, On completing his military duty, Mr. Padron spent a year working for his father and was subsequently employed as a corrections officer at the Eden Detention Center; seeking to continue his career in law enforcement, he completed training at the San Angelo Police Academy in 1995 and became a member of the city's police department; and

WHEREAS, He served the citizens of San Angelo for 14 years, distinguishing himself as a patrol officer, a member of the gang unit, and a narcotics investigator; in September 2008, he joined the Austin Airport Police Department, and he became an officer with the Austin Police Department four months later; in the course of ably handling the wide range of challenges inherent in his profession, he performed numerous acts of heroism, and during one incident in San Angelo, he rescued two children and a fellow officer from a burning home; despite the risks that he faced each day, he was known for his positive attitude and for greeting others with a smile; and

WHEREAS, Highly regarded for the passion and dedication he brought to his job, Officer Padron built strong friendships with his colleagues in San Angelo and Austin; he was a member of several professional organizations and received myriad commendations during his career; these included recognition from Crime Stoppers of San Angelo as well as the Master Peace Officer, Academic Achievement, Military Service, and Safe Driving Ribbons from the Austin Police Department, and he was posthumously awarded the Purple Heart with Valor Medal; and

WHEREAS, This warm-hearted Texan delighted in his role as a father to his two young daughters, Olivia and Ariana; in addition to working a full-time job and raising a family, he earned a bachelor's degree in psychology and a supporting degree in criminal justice from Angelo State University, graduating with honors in 2004; in his leisure time, he enjoyed playing golf and riding his motorcycle, and he was an avid runner who took part in a number of charity marathon events; and

WHEREAS, Selflessly devoted to the safety and well-being of his fellow citizens, Officer Jaime Padron exemplified the highest ideals of the law enforcement profession, and the compassion and integrity with which he lived his life will forever inspire all those who had the good fortune to know him; now, therefore, be it

RESOLVED, That the 83rd Legislature of the State of Texas hereby pay tribute to the life of Officer Jaime Padron and extend sincere sympathy to the members of his family: to his daughters, Olivia and Ariana Padron, and their mother, Amy Padron; to his parents, Juan and Zoila Padron; to his brothers, Joe Padron and Johnny Padron and his wife, Gloria, and their children, John and Gabby; to his sister, Linda Diaz, and her husband, Steve, and their children, Christina and Steven; and to his other relatives and many friends; and, be it further

RESOLVED, That an official copy of this resolution be prepared for his family and that when the Texas House of Representatives and Senate adjourn this day, they do so in memory of Officer Jaime Padron.

WATSON